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Attorneys for Applicant SUEZ Water Idaho Inc.

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 82161 IN THE NAME OF
SUEZ WATER IDAHO INC.

**SUEZ’S PETITION FOR
RECONSIDERATION AND REQUEST FOR
HEARING**

SUEZ Water Idaho Inc. (“SUEZ”), by and through its counsel of record, Givens Pursley LLP, and pursuant to Idaho Code §§ 42-222(5), 42-1701A(3), and 67-5245, and Idaho Department of Water Resources (“IDWR” or “Department”) Rules of Procedure 730.02.a and .e (IDAPA 37.01.01.730.02.a, .e), hereby petitions the Department for reconsideration of its October 8, 2020 *Preliminary Order Denying Transfer* (“*Order*”) in the above-captioned matter and requests a hearing before the Director to contest the *Order* or any order on reconsideration if Application for Transfer No. 82161 (the “*Application*”) is not approved with elements and conditions acceptable to SUEZ.

SUEZ’s petition for reconsideration (“*Petition*”) is addressed beginning on page 2 below and the request for hearing (“*Hearing Request*”) is addressed beginning on page 15.

PETITION FOR RECONSIDERATION

SUEZ requests that the Department reconsider the *Order* denying the *Application* because (1) there is no material difference between water use proposed in the *Application* and the water use IDWR has approved in other transfer applications, and (2) there is no material difference between diverting an “irrigation” water right with a volume limit into a municipal system instead of a “municipal” water right with a volume limit.

Each of these grounds is addressed in turn below.

I. IDWR HAS APPROVED TRANSFERS NOT MATERIALLY DIFFERENT FROM THE APPLICATION.

The *Application* proposes to change the place of use and point of diversion for water right no. 63-123F—a right that was decreed for 1.385 cfs to irrigate 136.8 acres, with no volume limitation¹—so that it can be diverted and used for irrigation within SUEZ’s service area. A copy of the partial decree for right no. 63-123F is attached as Appendix M. The *Application* does not propose changing any other element of the right, including the nature of use.

The Department has approved essentially the same transfer before with conditions to address enlargement concerns. *Order* at 6 (“The Department has approved some proposals to transfer irrigation rights into a municipal system and has in some cases, required monitoring and reporting to address enlargement concerns.”). This practice is consistent with the determination reached in 1998 by then-Director Karl Dreher. In a letter to the attorney for SUEZ (then known as United Water Idaho Inc.), Director Dreher stated:

¹ Volume limitations can include a total annual volume limitation (e.g., a right authorizing 136.8 acres is limited to 615.6 acre-feet annually, which equates to 4.5 acre-feet per acre annually) or an annual acre-feet per acre limitation (e.g., the right is limited to 4.5 acre-feet per acre per year, which equates to a total annual volume of 615.6 acre-feet). Decreed water right no. 63-123F contains neither limitation.

The fact that the irrigation water may be commingled and distributed through a municipal system that also delivers water for other municipal purposes, does not alone necessitate a change in the nature of use of the water right from irrigation to municipal. A key factor in not requiring a change in the nature of use of the water right from irrigation to municipal is that [the right holder] provide annual reporting of appropriate measurements and accounting procedures to demonstrate that the additional water diverted is necessary to satisfy increased summer demand for irrigation water through the municipal system on lands for which the [water right] is authorized to be used.

Letter from Director Karl J. Dreher to Michael C. Creamer (“Dreher Letter”), p. 2 (Apr. 7, 1998) (copy attached as Appendix A). It is undeniable that the additional water diverted by SUEZ in the summer is necessary to satisfy increased demand for irrigation water through its municipal system. In 2019, for example, SUEZ produced an annual low of 601.24 million gallons (1,845 acre-feet) in February and an annual high of 2,359.78 million gallons (7,242 acre-feet) in July. *See* Appendix L (email from SUEZ with 2019 production data). This difference of 1,758.54 million gallons (5,397 acre-feet) is sufficient to irrigate nearly 1,200 acres of land under IDWR’s standard field headgate requirement of 4.5 acre-feet per acre in this area. There is no doubt that this quantity can attributed almost solely to irrigation.

As SUEZ pointed out previously, the City of Mountain Home’s Application for Transfer No. 72128 (“*Mountain Home Transfer*”) is precedent requiring the approval of SUEZ’s *Application*.² *See* Appendix B (email from Michael P. Lawrence to Nick Miller dated March 3, 2020).³ There is no material difference between the *Mountain Home Transfer* and SUEZ’s

² SUEZ believes there may be other examples of irrigation rights approved for use in municipal water systems but has not had the opportunity to obtain that information from the Department.

³ Appendix B contains an email chain between Nick Miller and Michael P. Lawrence beginning November 5, 2019, and ending March 3, 2020.

Application that would warrant different treatment, and the *Order* does not explain why they should be treated differently. They should not be.

The *Mountain Home Transfer* proposed to change the points of diversion and places of use of two irrigation rights (nos. 61-2167 and 61-2210) so they could be diverted into the City of Mountain Home's municipal water system. Similarly, SUEZ's *Application* proposes to change the point of diversion and place of use for water right no. 63-123F so it can be diverted into SUEZ's municipal water system. Like SUEZ's *Application*, the *Mountain Home Transfer* did not seek to change the nature of use from irrigation to municipal.

Director Spackman (who was then Chief of IDWR's Water Allocation Bureau) approved the *Mountain Home Transfer* so that the two irrigation rights were authorized for irrigation use in the City of Mountain Home's municipal water system with the full diversion rates, annual volumes, and acreage limits that were authorized prior to the transfer:

Right No.	Purpose of Use	Div. rate (cfs)	Annual Vol. (AF)	Acres
61-2167	Irrigation	1.97	628	157
61-2210	Irrigation	5.35	1,172	293

Copies of the partial decrees for right nos. 61-2167 and 61-2210 and the approved transfer 72128 are included in Appendix C and Appendix D, respectively.

The irrigation rights in the *Mountain Home Transfer* approval were not limited to historical consumptive use. Yet this was determined to not result in an enlargement. A memorandum in IDWR's files explained that no enlargement would occur if the rights remained for irrigation use with the "standard irrigation season and full diversion volume." *Memorandum from Sharla to Transfer No. 72128* ("*Sharla's Memo*"), p. 2 (July 26, 2005), a copy of which is attached as Appendix E. *Sharla's Memo* notes that the "[t]ransfer was amended to retain full

volume by leaving nature of use as irrigation.” *Sharla’s Memo*, p. 2 (footnote marked by “*”). This is consistent with the Department’s treatment of other irrigation rights transferred into municipal water systems.⁴

It is notable that the *Mountain Home Transfer* initially sought to change the two irrigation rights’ nature of use to municipal but it was amended to remove this change at the Department’s direction. According a Settlement Agreement entered into between the applicant and protestants, “[a]fter a meeting with the Department on October 24, 2005, and at the request of the Department, the City filed an amended application to reflect that there would be no change in the nature of use of the irrigation rights and that the City would not request that the water rights be changed to municipal rights.” See *Settlement Agreement* p. 2 ¶ (c) (emphasis added) (copy attached as Appendix G).

This is further explained in a memorandum in IDWR’s files for the *Mountain Home Transfer*. After being informed that changing the rights from irrigation to municipal would result in a limitation based on historical consumptive use, the City of Mountain Home’s consultant “subsequently met with [then-Director] Karl Dreher and [then-Western Regional Manager] John Westra [, and] based on that meeting, an amended application was filed reverting the use of the two irrigation rights back to irrigation for the full annual diversion volume.”

Sharla’s Memo, p. 2. See also *Letter from Charles E. Brockway to John Westra* (Oct. 24, 2005)

⁴ See, e.g., Transfer No. 78273 in the name of the City of Mountain Home; Transfer No. 75824 in the name of the City of Coeur d’Alene; Transfer No. 78803 in the name of the City of Jerome; Transfer No. 82051 in the name of the City of Sugar City. These transfers were cited in Nick Miller’s November 15, 2019 email to Michael P. Lawrence, a copy of which is included in Appendix B. Copies of these approved transfers are included as attachments to the memorandum included as Appendix F. These transfers changed the rights’ nature of use from irrigation to municipal, but did not limit the rights to the historical consumptive use. Instead, the approved transfers included volume limits based on the original rights’ annual diversion volumes (in Transfer Nos. 78273 and 82051) or the Department’s standard field headgate requirements (Transfer Nos. 75824 and 78803).

(copy included in Appendix B as attachment to email from Michael P. Lawrence to Nick Miller dated March 3, 2020) (“Based on our telephone conversation on October 24, 2005, I am submitting revised documents to amend or change the transfer for the City of Mountain Home to reflect that there is no change in the nature of use of the irrigation right. This is in concert with our discussions with the Director on October 12, 2005.”)

In short, the Department’s records show that the highest levels of the agency considered the use of irrigation rights in municipal systems in the *Mountain Home Transfer* and determined (a) that the rights should remain irrigation rights, and (b) there would be no enlargement of the rights if the full annual diversion volume was approved. Although water right no. 63-123F does not presently have any annual volume limitation, SUEZ has stated that it would agree to the 4.5 acre-foot per acre limitation (based on the Department’s standard field headgate requirement in the Boise area) in order to address potential enlargement concerns. *See Letter from Michael P. Lawrence to Nick Miller*, p. 1 (Sep. 12, 2019) (copy attached as Appendix H).⁵ Despite the fact that this approach would be consistent with the approval of the *Mountain Home Transfer* and other transfers of irrigation rights to municipal systems, *see supra* note 4, the *Order* rejects it without explaining why it could be approved in the other transfers or why SUEZ’s *Application* is different from those. There is no material distinction between the enlargement issues in SUEZ’s *Application* and the other irrigation-to-municipal system transfers approved by the Department,⁶ yet the *Order* treats SUEZ’s *Application* differently.

⁵ Appendix H contains (a) a copy of the June 17, 2019 email in which the Department directed SUEZ to identify a “defined set of irrigated acres,” and (b) a copy of SUEZ’s response to that email (“SUEZ’s *POU Proposal*”).

⁶ As discussed below in Section II, changing the nature of use from irrigation to municipal is a distinction without a difference if the same elements (e.g. volume limitation) is applied.

The *Order* also rejects SUEZ's *Application* because "[t]he permissible place of use for water right 63-123F . . . cannot be described using a generally described place of use, nor can it be described as SUEZ's service area as provided in section 42-202B(9), Idaho Code. SUEZ must utilize 63-123F to irrigate a specific 136.8 acres." *Order* at 6. The *Order* explains that, because SUEZ is not an irrigation district, and its proposed place of use is not an irrigation project, that SUEZ is "[not] entitled to a generally described place of use for irrigation as authorized by Idaho Code §§ 42-219(5) or (6)." *Order* at 4.

These conclusions are not consistent with the Department's official transfer guidance, *Administrator's Memorandum – Transfer Processing No. 24* (Dec. 21, 2009) ("*Transfer Memo #24*"), a copy of which is attached as Appendix I. *Transfer Memo #24* states:

g. Except as provided herein, the legal description of the place of use must be set forth to the nearest 40-acre subdivision or U. S. Government Lot of the Public Land Survey System. Subdivision names, block and lot numbers, and any name in common usage for the place of use should be included in the "Remarks" section of the application form. For water rights held by irrigation districts, municipal providers, and others included under the provisions of Sections 42-202B or 42-219, Idaho Code, the place of use may be generally described even if previously described to the nearest 40-acre subdivision or government lot.

i. If irrigation is a purpose of use, the number of acres in each 40-acre tract of the place of use or within a generally described place of use must be shown. The location of uses, other than for municipal providers or for irrigation [districts], must be identified in the appropriate 40-acre tract(s).

Transfer Memo #24, pp. 10-11 (emphasis added). Thus, the Department's own transfer guidance allows for generally described places of use for irrigation water rights held by municipal providers.

Although it pre-dated *Transfer Memo #24*, the *Mountain Home Transfer* approval is consistent with its approach to generally describing an irrigation right's place of use when transferred to a municipal system. Appendix D, p. 3 ("The boundary encompassing the place of use for this water right is described with a digital boundary."). This demonstrates the Department's longstanding and heretofore consistent approach on this issue. The *Mountain Home Transfer* was approved with a digital boundary despite the fact that, like SUEZ, the City of Mountain Home is not an irrigation district and its place of use is not an irrigation project, which the *Order* states as a requirement. The *Order* does not explain how the *Mountain Home Transfer* could be approved with a digital boundary, but SUEZ's *Application* cannot be approved even though the Department's own policy directs that approach.

The *Order* also states that, because SUEZ's *Application* does not propose to change the purpose of use from irrigation to municipal, "the permissible place of use for 63-123F should not be described using SUEZ's service area as provided in Idaho Code § 42-202B(9)." *Order* at 4. But Section 42-202B(9)'s definition does not limit the type of water right that can be used in a municipal provider's service area, and neither does any other statute.⁷ Indeed, SUEZ already holds water rights authorized for irrigation within its service area. *See, e.g.,* Water Right No. 63-31871, copy attached as Appendix J.⁸

⁷ Section 42-202B(9) sets forth the definition of "service area," which is "that area within which a municipal provider is or becomes entitled or obligated to provide water for municipal purposes. . . . For a municipal provider that is not a municipality, the service area shall correspond to the area that it is authorized or obligated to serve, including changes therein after the permit or license is issued." Idaho Code § 42-219(2) states that "If the use is for municipal purposes, the license shall describe the service area as provided in section 42-202B(9), Idaho Code." These provisions require a municipal right's place of use to be described as the "service area," but they do not prohibit a municipal provider's "service area" from being used to describe the place of use for other types of rights (e.g., irrigation rights).

⁸ Water right no. 63-31871 authorizes, through an exchange, the use of Snake River irrigation water right nos. 2-2341, 2-2358, and 2-2420 in SUEZ's municipal system within its service area. The exchange authorization, approved by Director Spackman (then Chief of IDWR's Water Allocation Bureau), expressly states "[t]he water

SUEZ has provided, at the Department's direction, information concerning a "defined set of irrigated acres" that would be irrigated if the transfer is approved. *See* Appendix H. This submission proposed that SUEZ's "service area be approved as a permissible place of use within which it is entitled to irrigation 136.8 acres in a single irrigation season, and that the specific area containing 136.8 acres depicted on the [attached] map will be the actual irrigated place of use until further notice." *SUEZ's POU Proposal*, p. 1 (cover letter). This too was consistent with the kind of information IDWR required in the approval of the *Mountain Home Transfer*.⁹ But the *Order* does not explain why it was good enough for the *Mountain Home Transfer* to be approved with a condition requiring this kind of information, but SUEZ's *Application* cannot be approved by providing the same kind of information.¹⁰

right holder's Boise River diversions under this Exchange shall be . . . used solely for irrigation purposes within the water right holder's service area." Appendix J, p. 2 (emphasis added). Director Spackman did not require SUEZ (then United Water Idaho) to identify specific acres for irrigation under the exchange.

⁹ The *Mountain Home Transfer* approval included a condition on the two irrigation rights requiring:

Every 5 years, or more or less frequently if deemed necessary by the department, the right holder shall submit an analysis of the number of acres irrigated within the authorized place of use that are not already covered by Mountain Home Irrigation District or other surface water rights, which will include an aerial photo clearly designating all lands being irrigated.

Appendix D, p. 3 (Condition No. 5). In 2014, approval of Transfer No. 78273 (which changed irrigation right nos. 61-2167 and 61-2210 to municipal, with no change in annual diversion volume) changed this condition to read:

Every five (5) years, or more or less frequently if deemed necessary by the department, the right holder shall submit an analysis, based on a current aerial photo, of the number of acres irrigated for municipal type irrigation within the authorized place of use that are not already covered by Mountain Home Irrigation District or other surface water rights.

See Appendix F. It is noteworthy that Transfer No. 78273 involved the same two irrigation rights as the *Mountain Home Transfer*, but changed those rights from irrigation to municipal. Again, the approval did not limit the rights to historical consumptive use, but instead authorized the pre-transfer annual diversion volumes. *See supra* note 4.

¹⁰ If the Department continues to require a list of 40-acre tracts for the lands proposed to be irrigated under *SUEZ's POU Proposal* if the *Application* is approved, SUEZ should be provided the opportunity to provide such as list.

As noted in the *Order*, SUEZ is ready and willing to agree to an annual volume limitation and monitoring and reporting requirements to address enlargement concerns. *Order* at 5-6 (“To address enlargement concerns, SUEZ has suggested limiting the annual diversion volume for water right 63-123F to 4.5 acre-feet per year. . . . SUEZ asserts the Department should adopt periodic monitoring and reporting in an approval of its Application to address enlargement and injury concerns.”). This too would be consistent with the *Mountain Home Transfer* approval which, in addition to retaining the annual diversion volume limit and requiring a periodic identification of irrigated acres, included a condition requiring annual reporting:

The right holder shall submit a report annually to the department demonstrating that the water diverted under rights 61-2167 and 61-2210 is necessary to satisfy demands for irrigation use during the authorized period of use. The annual report shall include the maximum weekly volume diverted for all purposes during both the irrigation season and the non-irrigation season. The annual report shall also include the total volume diverted for all purposes during both the irrigation season and non-irrigation season. After specific notification by the department, the right holder shall provide to the department any data used to compile the report.

Appendix D, p. 4 (Condition No. 6). But the *Order* does not explain why the monitoring and reporting requirements that were sufficient to warrant approval of the *Mountain Home Transfer* are not sufficient to warrant approval of SUEZ’s *Application*. There is nothing in the record to suggest that SUEZ could not conduct monitoring or reporting to the standard set for the City of Mountain Home. Indeed, as the largest and arguably most sophisticated municipal water provider in the State of Idaho, it defies reason to conclude that SUEZ cannot monitor or report its water use to the standards required in other transfer approvals. SUEZ is ready, willing, and able to monitor and report its water use under the same conditions included in the *Mountain Home Transfer* approval.

Rather than explaining why SUEZ's *Application* was somehow distinguishable from the *Mountain Home Transfer*, the final paragraph in the *Order*'s analysis states:

In SUEZ's municipal system, if the Boise River water diverted under 63-123F is not used for irrigation of the place of use, it will be used for some other purpose and may or may not return to the stream. SUEZ has not proposed a mechanism for identifying when the water diverted under water right 63-123F is not being used for irrigation of the place of use, nor has it offered a proposal for what corrective action could be taken to prevent water diverted pursuant to the irrigation water right from being routed to other purposes. SUEZ has not demonstrated that periodic monitoring and reporting would be effective in identifying or preventing enlargement and preventing injury to other users.

Order at 6. But the *Order* does not explain how other applications to transfer irrigation water rights into municipal systems, as described above, could be approved with the same concerns that certainly existed in those transfers. If SUEZ's *Application* is not approved as requested in this *Petition*, SUEZ is entitled to present evidence to address such issues (and others¹¹) at a hearing. See SUEZ's *Hearing Request* below.

In short, the *Order* denied SUEZ's *Application* despite the fact that IDWR has previously approved essentially identical applications. The *Order* states reasons for denial that do not square with the Department's prior decisions. The *Order* acknowledges that "[t]he Department has approved some proposals to transfer irrigation rights into a municipal system and has in some cases, required monitoring and reporting to address enlargement concerns." *Order* at 6. But then the *Order* determines that SUEZ's *Application* must be denied, even though it is materially indistinguishable from other transfer applications, particularly the *Mountain Home*

¹¹ Other issues to address at the hearing would include, without limitation, the *Order*'s contention that "unused water 'spills' back to the Boise River" when right no. 63-123F is not being actively applied to irrigation at its current place of use (a contention that is not supported by evidence in the record), but that "unused water" would not return to the river if diverted into SUEZ's municipal system.

Transfer, that were approved with volume limitations and conditions that the Department deemed adequate to address enlargement. The *Order* offers no good explanation for this disparate treatment because there is none.

It is not sufficient to say that “[t]here has been some variability over time and among our offices in how the department has handled enlargement concerns.” Appendix B (email from Nick Miller to Michael P. Lawrence dated Nov. 15, 2019). The public is entitled to consistent application of the law and treatment by the agency regardless of which office is handling their matter or when they file their application. Indeed, in this case, it is the very same Western Regional Office of IDWR that handled the processing of the *Mountain Home Transfer* that is handling the processing of SUEZ’s *Application*.

SUEZ filed the *Application* and, with Lexington Hills, Inc. (the current owner of right no. 63-123F), worked to resolve protests in reliance on the Department continuing to follow its past policies and practice when processing (and approving) transfers of irrigation rights into municipal systems. Protests were resolved in early 2019. It was only afterward that the Department informed SUEZ and Lexington Hills that it intended to depart from past practice and policy. At the Department’s direction, SUEZ provided additional information about the location of irrigated lands within its service area, *see* Appendix H, but the *Order* effectively makes that effort meaningless. With the *Order*, the Department essentially takes the position that the *Application* was fatally flawed from day one. It is unreasonable, unfair, and arbitrary for the Department to allow parties to rely on its past policy and practice such that they spend time and resources pursuing an application in good faith, only to have the Department change the rules midstream.

SUEZ's *Application* should be approved consistent with the *Mountain Home Transfer* or the Department should fully explain that application could be approved but SUEZ's cannot.

II. AN IRRIGATION RIGHT WITH A VOLUME LIMIT IS EFFECTIVELY THE SAME AS A MUNICIPAL RIGHT WITH A VOLUME LIMIT.

The Department has suggested that SUEZ's *Application* could be approved if amended to change the nature of use to "municipal," which would result in a limitation based on historical consumptive use. Appendix B (email from Nick Miller to Michael P. Lawrence dated November 15, 2019).¹²

But there is no logical reason why the transfer could be approvable with a volume limitation only if the nature of use is changed from irrigation to municipal. In short, if including a volume limit resolves a potential enlargement issue if the nature of use is changed to "municipal," it also would resolve an potential enlargement issue if the nature of use remains "irrigation."

As discussed in Section I above, the Department has approved transfers of irrigation rights into municipal systems with the rights' full annual diversion volume, and not limited to historical consumptive use. And, as already noted, water right no. 63-123F does not presently

¹² The Department offered several "options" to SUEZ, including:

1. Ask for a transfer application as is—No change in nature of use, just a change in point of diversion to the two SUEZ intakes, and change in place of use to the acreage proposed in the September 12 letter. A quick decision by the department is not likely to result in approval of the transfer due to concerns about enlargement, but you will get a decision without readvertising and you would have a process to appeal the decision.
2. Amend the application to describe a nature of use change to municipal. This would trigger re-advertising, and the approval quantity would be reduced to the historical consumptive use (approximately 475 acre-feet). The WD63 accounting issue we discussed could be made part of the review process.

Appendix B (email from Nick Miller to Michael P. Lawrence dated November 15, 2019). SUEZ requested the first option: "a quick decision on the transfer application as is." *Id.* (email from Michael P. Lawrence to Nick Miller dated March 3, 2020).

have any annual volume limitation but SUEZ would agree to the 4.5 acre-foot per acre limitation (based on the Department's standard field headgate requirement in the Boise area). Appendix H, p. 1 (letter from Michael P. Lawrence to Nick Miller dated September 12, 2019).¹³ For 136.8 acres, this would equate to a total of 615.6 AF annually (136.8 acres x 4.5 AF/acre = 615.6 AF). Such a limitation would be consistent with past IDWR transfer approvals. *See supra* note 4.

If, on the other hand, the Department believes that the right must be limited to historical consumptive use to address enlargement concerns, it should approve SUEZ's *Application* with that annual volume limitation.¹⁴ Doing so would be inconsistent with IDWR's past approvals, *see supra* note 4, and *Transfer Memo #24* which only requires analysis of historical consumptive use where the nature of use is changed. *See Transfer Memo #24*, p.14 ("If the application for transfer proposes to change the nature or purpose of use or the season of use, the applicant must include an attachment documenting the historic extent of beneficial use under the right. For a transfer seeking to change a water right from irrigation, the attachment must provide sufficient data and information to determine historic consumptive water use."). But it would be less inconsistent than the *Order's* outright denial of SUEZ's *Application*.

In any event, whatever volume limitation is deemed adequate to address enlargement concerns if the right was changed from irrigation to municipal, the same limitation must also be

¹³ The 4.5 AF/acre field headgate standard is set forth in IDWR's *Administrator's Memorandum* dated October 12, 1999, which is also known as Transfer Processing Memo #16. A copy of this memorandum is attached as Appendix K. It can also be found at <https://idwr.idaho.gov/legal-actions/guidance-documents/>.

¹⁴ Historical consumptive use has been suggested to be approximately 475 acre-feet annually. *See* Appendix B (email from Nick Miller to Michael P. Lawrence dated November 15, 2019). SUEZ understands that the estimate of "approximately 475 acre-feet" is based on IDWR's standard 3.5 acre-feet per acre consumptive use factor for the Boise area (136.8 acres x 3.5 AF/acre = 478.8 acre-feet per acre). This standard is set forth in Transfer Processing Memo #16 attached as Appendix K. SUEZ takes no position at this time as to whether any annual volume limit below the 4.5 AF/acre limit it has proposed would be appropriate, and reserves its rights to challenge any limit below 4.5 AF/acre that might be imposed.

deemed to adequately address enlargement concerns if the right remains irrigation. SUEZ requests that the *Application* be approved with a volume limitation to address enlargement concerns, consistent with the Department's past practice.¹⁵

REQUEST FOR HEARING

SUEZ requests a hearing before the Director under Idaho Code §§ 42-222(5)¹⁶ and 42-1701A(3).¹⁷ *See also Transfer Memo #24*, p. 17 § 5(6) (section entitled "Applicant Contest of Rejection or Denial" discussing requests for hearing under Idaho Code § 42-1701A).

¹⁵ SUEZ reserves the right to challenge or seek clarification of any aspect of the *Order* and any further denial or approval of the *Application*, including without limitation any elements, conditions of approval, or other administrative matters affecting the diversion and use of water right 63-123F. In particular, SUEZ believes that any approval adequately address the "WD63 accounting issue" noted in footnote 12. This issue involves IDWR's computerized accounting system's apparent process of allocating water to the most senior water rights first, such that a senior water right with an annual volume limitation would accrue water first—and perhaps its volume be fully satisfied—while the right holder's junior water rights were also in priority and authorized to divert natural flow. *See* Appendix B (email from Nick Miller to Michael P. Lawrence dated November 5, 2019, recognizing that "it would do you no good to utilize that senior right when you have junior rights available."). Obviously, this accounting methodology defeats SUEZ's purpose of acquiring and transferring this senior water right. Thus, if the *Application* is approved, some mechanism must be included so SUEZ can divert water under its junior priority rights while those are in priority, and then accrue water to 63-123F when the junior rights are no longer in priority, so any annual volume limitation imposed on right no. 63-123F is not reached prematurely.

¹⁶ Idaho Code § 42-222(5) states:

Any person or persons feeling themselves aggrieved by the determination of the department of water resources in approving or rejecting an application to change the point of diversion, place, period of use or nature of use of water under an established right or an application for an extension of time within which to resume the use of water as provided in this section, may, if a protest was filed and a hearing held thereon, seek judicial review pursuant to section 42-1701A(4), Idaho Code. If no protest was filed and no hearing held, the applicant may request a hearing pursuant to section 42-1701A(3), Idaho Code, for the purpose of contesting the action of the director and may seek judicial review of the final order of the director following the hearing pursuant to section 42-1701A(4), Idaho Code.

(Emphasis added.)

¹⁷ Idaho Code § 42-1701A(3) states:

Unless the right to a hearing before the director or the water resource board is otherwise provided by statute, any person aggrieved by any action of the director, including any decision, determination, order or other action, including action upon any application for a permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the director, who is aggrieved by the action of

Obviously, SUEZ is aggrieved by the Department's *Order* denying the *Application*. If the Department does not approve the *Application* with elements and conditions acceptable to SUEZ as requested in the *Petition* above, SUEZ will continue to be aggrieved. SUEZ has not previously been afforded an opportunity for a hearing in this matter, and therefore requests a hearing before the Director to which it is entitled under Idaho Code §§ 42-222(5) and 42-1701A(3). Among other things, such a hearing is necessary to adequately develop the record for a potential judicial review.

If the Department approves the *Application* on reconsideration with elements and conditions acceptable to SUEZ, SUEZ will withdraw this *Hearing Request*.

Respectfully submitted this 22nd day of October, 2020.

GIVENS PURSLEY LLP

By



Michael P. Lawrence

Attorneys for Applicant SUEZ Water Idaho Inc.

the director, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the action. The person shall file with the director, within fifteen (15) days after receipt of written notice of the action issued by the director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the director and requesting a hearing. The director shall give such notice of the petition as is necessary to provide other affected persons an opportunity to participate in the proceeding. The hearing shall be held and conducted in accordance with the provisions of subsections (1) and (2) of this section. Judicial review of any final order of the director issued following the hearing shall be had pursuant to subsection (4) of this section.

(Emphasis added.)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of October, 2020, the foregoing, together with any appendices or exhibits, was filed, served, and copied as shown below.

DOCUMENT FILED:

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705

☐	U.S. Mail, postage prepaid
☐	Express Mail
☒	Hand Delivery
☐	Facsimile

DOCUMENT SERVED:

Jerry A. Kiser
1365 North Orchard Suite 216
P.O. Box 8389
Boise, Idaho 83707

☒	U.S. Mail, postage prepaid
☐	Express Mail
☐	Hand Delivery
☐	Facsimile

John M. Marshall
John Marshall Law PLLC
575 W Bannock St.
Boise, Idaho 83702

☒	U.S. Mail, postage prepaid
☐	Express Mail
☐	Hand Delivery
☐	Facsimile

Kimbell D. Gourley
Jones Gledhill Fuhrman Gourley, P.A.
PO Box 1097
Boise, Idaho 83701

☒	U.S. Mail, postage prepaid
☐	Express Mail
☐	Hand Delivery
☐	Facsimile



Michael P. Lawrence

APPENDIX A

Appendix A LETTER FROM KARL DREHER TO MICHAEL C. CREAMER (APR. 7, 1998)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

APR 08 1998

Givens, Pursley & Hunt

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 7, 1998

Michael C. Creamer, Esq.
GIVENS PURSLEY & HUNTLEY LLP
277 N. 6th Street, Suite 200
Boise, ID 83701

Re: Irrigation Water Right Use by a Municipal Provider

Dear Mr. Creamer:

This letter is in response to your correspondence of November 3, 1997, on behalf of United Water Idaho ("UWID") regarding alternatives for meeting UWID's need for additional water supplies to meet summer irrigation demands within its service area. Your letter indicates that up to half of UWID's current municipal water demand during the summer months is used for irrigation purposes. The numbers you provide indicate that UWID's current average daily demand is approximately 37 million gallons per day ("mgd"). This average daily demand is contrasted with a peak demand of 77 mgd during the summer months when water is being used to irrigate lawns, gardens, parks and landscaping. You state the demand for irrigation water through UWID's delivery system is expected to increase substantially over the next fifteen to twenty years as a result of further population growth and urbanization of agricultural lands.

Your letter suggests that one potentially feasible method of meeting UWID's summer irrigation water demand is to recognize that the use of water delivered through UWID's municipal delivery system for the irrigation of lawns, gardens, parks and landscaping remains an irrigation purpose of use even though the delivery system is different than the system previously used to deliver water to the same lands for irrigated agricultural purposes. According to your letter, recognition by the Department of Water Resources ("IDWR") of this principle would allow UWID to contract with the U.S. Bureau of Reclamation for use of a portion of the 111,950 acre-feet of irrigation water authorized to be stored in Lucky Peak Reservoir pursuant to State of Idaho Water Right Permit No. 63-03618.

The issue raised by your letter is whether any change in Water Right Permit No. 63-03618 is required under Idaho Code § 42-211 to authorize water stored and released pursuant

Michael C. Creamer, Esq
April 7, 1998
Page 2

the permit to be used by UWID to meet summer irrigation demands within its municipal delivery system. The issue is unique in that no case law has been identified addressing this issue aside from the unreported district court decision from Colorado cited in your letter, In re: Concerning the Application for Water Rights of the City of Arvada in Jefferson and Adams Counties, Case Nos. W-8083-75 and W-8762-77 (Colo. Dist. Court, Water Division No. 1, Sept. 9, 1992). Although the question may be unique, determination of the applicability of Idaho Code § 42-211 to the situation described does not appear difficult.

Idaho Code § 42-211 provides that when a permit holder desires to change the place, period, or nature of the intended use, or make other substantial changes in the method of diversion or proposed use or uses of the water, the permit holder shall file an application for amendment with IDWR. The filing requirement under Idaho Code § 42-211 is similar to that under Idaho Code § 42-222 which requires a person entitled to the use of water under a license, decree or beneficial use claim to obtain the approval of IDWR before changing the point of diversion, place of use, period of use or nature of use of all or part of the water right.

Under the factual scenario described in your letter, UWID proposes contracting with the U.S. Bureau of Reclamation for the use of a portion of the water authorized to be diverted under permit no. 63-03618 without seeking any change in the point of diversion, place of use, period of use or nature of use under the water right. Under this factual scenario, the permit amendment requirements of Idaho Code § 42-211 would not pertain.

IDWR has long recognized that a water right with an irrigation purpose of use may be used for the irrigation of lawns, gardens, parks and landscaping. The fact that the irrigation water may be commingled and distributed through a municipal system that also delivers water for other municipal purposes, does not alone necessitate a change in the nature of use of the water right from irrigation to municipal. A key factor in not requiring a change in the nature of use of the water right from irrigation to municipal is that UWID provide annual reporting of appropriate measurements and accounting procedures to demonstrate that the additional water diverted is necessary to satisfy increased summer demand for irrigation water through the municipal system on lands for which the permit is authorized to be used. In order to satisfy this accounting requirement, it may be necessary for UWID to demonstrate through representative metering the amount of commingled irrigation water that is withdrawn from its municipal delivery system for irrigation use on lands authorized under the permit.

In conclusion, IDWR shares the view expressed in your letter that provided an appropriate accounting is made of the amounts of water diverted and used for irrigation, a municipal water provider may divert irrigation water into its common municipal delivery system and deliver the irrigation component for irrigation purposes. While no change in the irrigation water right would be required under the provisions of Idaho Code §§ 42-211 or 42-222, it would

Michael C. Creamer, Esq
April 7, 1998
Page 3

be necessary to establish an appropriate measurement and accounting procedure in accordance with the policies and provisions of chapters 6 and 7, title 42, Idaho Code.

Sincerely,



KARL J. DREHER
Director

cc: John W. Keys, III
Tony Sullins
Gary Spackman

APPENDIX B

**Appendix B EMAIL CHAIN BETWEEN NICK MILLER AND MICHAEL P. LAWRENCE
FROM NOVEMBER 5, 2019 THROUGH MARCH 3, 2020**

Michael P. Lawrence

From: Michael P. Lawrence <mpl@givenspursley.com>
Sent: Tuesday, March 3, 2020 5:58 PM
To: 'Miller, Nick'
Cc: Keen, Shelley; Dittus, Roger; John M. Marshall Esq. (john@jmarshalllaw.com); Cooper, Catherine
Subject: RE: Lexington Hills Inc Suez Transfer 82161 [IWOV-GPDMS.FID739356]
Attachments: 15032998_1_Transfer 72181 - Brockway to IDWR enclosing amended application 2005-10-24.PDF; 15033015_1_Transfer 72181 - IDWR to Brockway re retaining irrigation use 2005-11-15.PDF; 136544_1_Dreher to Creamer re Irrigation rights in Municipal Systems 1998-04-07.PDF

Nick,

Thank you for being patient while awaiting SUEZ's response to your email below.

SUEZ requests option 1 in your email below: "Ask for a quick decision on the transfer application as is – No change in nature of use, just a change in point of diversion to the two SUEZ intakes, and a change in place of use to the acreage proposed in the September 12 letter."

SUEZ believes that the City of Mountain Home's Transfer No. 72128 (cited in your email below) is precedent that demonstrates the Department's policy requiring approval SUEZ's Transfer No. 82161. Like SUEZ's proposed transfer, the City of Mountain Home's transfer involved authorizing the diversion of irrigation water rights into the City's municipal supply system for irrigation of lands within the City's service area. That transfer was approved by Director Spackman (when he was Chief of IDWR's Water Allocation Bureau) for the full quantities and acreage limits authorized by the irrigation rights prior to the transfer. And to protect against enlargement or unauthorized use, it included conditions requiring the City to report irrigated acres within the City's service area and the volumes of water diverted.

IDWR's made its policy clear in processing the City's transfer. Documents in IDWR's files for the City's transfer show that the Department actually promoted leaving the nature of use as irrigation instead of changing it to municipal, as the City originally intended. In an October 24, 2005 cover letter enclosing the City's amended application (copy attached), the City's consultant states that the application was amended "to reflect that there is no change in the nature of use of the irrigation right" and that this amendment was "[b]ased on our telephone conversation" and "is in concert with our discussions with the Director on October 12, 2005."

IDWR's policy was further explained in a November 15, 2005 letter from IDWR to the City's consultant (copy attached). In that letter, the Department acknowledged that "the Director has addressed such a scenario [i.e. using irrigation rights in a municipal system] with United Water Idaho," which of course is SUEZ's old name. The Department cited the April 7, 1998 letter from then-Director Karl Dreher to my partner Michael Creamer (copy attached) for the principles that "IDWR has long recognized that a water right with an irrigation purpose of use may be used for the irrigation of lawns, gardens, parks and landscaping" and that "[t]he fact that the irrigation water may be co-mingled and distributed through a municipal system that also delivers water for other municipal purposes, does not alone necessitate a change in the nature of use of the water right from irrigation to municipal." However, "annual reporting of appropriate measurements and accounting procedures," like those included in the City's Transfer No. 72128, are required.

SUEZ applied for Transfer No. 82161 based on its understanding of Department precedent and policy, as is reflected in the City's approved transfer. SUEZ is entitled to have its transfer approved consistent with such precedent and policy.

Please let me know if you need anything further from SUEZ to continue processing the transfer application.

Thanks,
Mike

MICHAEL P. LAWRENCE
GIVENS PURSLEY LLP
601 West Bannock Street, Boise, ID 83702
main 208-388-1200
direct 208-388-1294
fax 208-388-1300
mpl@givenspursley.com
www.givenspursley.com

CONFIDENTIALITY NOTICE: This communication is confidential and may contain privileged information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

From: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Sent: Friday, November 15, 2019 1:27 PM
To: Cooper, Catherine <cathy.cooper@suez.com>; Michael P. Lawrence <mpl@givenspursley.com>
Cc: Keen, Shelley <Shelley.Keen@idwr.idaho.gov>; Dittus, Roger <roger.dittus@suez.com>
Subject: RE: Lexington Hills Inc Suez Transfer 82161

Cathy,

We got together on Friday and did a little research on whether the department has approved prior transfer applications proposing a change from irrigation use to municipal use (or delivery of an irrigation right through the municipal system) without requiring the volume to be reduced to the historic consumptive use. Most of the examples we can find are those where the municipal applicant changed the nature of use from "irrigation" to "municipal" to take advantage of the place of use benefits of a municipal provider. There has been some variability over time and among our offices in how the department has handled enlargement concerns. In some approval instances, the municipal use is qualified with measuring and reporting conditions intended to limit enlargement, and in other situations those conditions were not used. Some examples are:

- City of Mountain Home Transfer 72128 See right no. 61-2167
- City of Coeur d'Alene Transfer 75824 See right no. 95-2164
- City of Jerome Transfer 78803 See right no. 36-8111
- City of Sugar City Transfer 82051 See right no. 22-14304

Despite the examples of approval without the volume reduction, the department's written policy in Transfer Memo #24 is to require the volume reduction to prevent enlargement. There may be enlargement possibilities that were not identified and addressed in the instances of approval. A review of the department's practice and policy is needed with the aim of formulating a new policy. However, it may take a few weeks to craft a policy. So, as I see it your options include the following:

1. Ask for a quick decision on the transfer application as is – No change in nature of use, just a change in point of diversion to the two SUEZ intakes, and a change in place of use to the acreage proposed in the September 12 letter. A quick decision by the department is not likely to result in approval of the transfer

due to concerns about enlargement, but you will get a decision without readvertising and you would have a process to appeal the decision.

2. Amend the application to describe a nature of use change to municipal. This would trigger re-advertising, and the approval quantity would be reduced to the historical consumptive use (approximately 475 acre-feet). The WD63 accounting issue we discussed could be made part of the review process.
3. Amend the application to describe a nature of use change to municipal and await development of the department's policy. This would trigger readvertising and the approval quantity could still be reduced to the historical consumptive use (approximately 475 acre-feet) if the department policy goes that way, rather than something that allows you to transfer all of the diversion volume and protect against enlargement some other way.
4. Withdraw the application
5. Await the department policy and see how that turns out before making a decision.

I realize you need to make some kind of decision before December, so I hope this information helps you do so.

Nick.

From: Miller, Nick

Sent: Tuesday, November 12, 2019 5:41 PM

To: 'Cooper, Catherine' <cathy.cooper@suez.com>; Michael Lawrence (MPL@givenspursley.com) <MPL@givenspursley.com>

Cc: Keen, Shelley <Shelley.Keen@idwr.idaho.gov>; Dittus, Roger <roger.dittus@suez.com>

Subject: RE: Lexington Hills Inc Suez Transfer 82161

Hi Cathy,

I'm in the process of summarizing some internal discussion we had last week on this. I should be able to get you some options on the transfer sometime tomorrow.

Nick.

From: Cooper, Catherine [<mailto:cathy.cooper@suez.com>]

Sent: Tuesday, November 12, 2019 8:27 AM

To: Miller, Nick <Nick.Miller@idwr.idaho.gov>; Michael Lawrence (MPL@givenspursley.com) <MPL@givenspursley.com>

Cc: Keen, Shelley <Shelley.Keen@idwr.idaho.gov>; Dittus, Roger <roger.dittus@suez.com>

Subject: Re: Lexington Hills Inc Suez Transfer 82161

Hi Nick. Any further information on the questions related to the transfer? We need to make some budget decisions.

Thanks,
Cathy

From: Miller, Nick <Nick.Miller@idwr.idaho.gov>

Sent: Tuesday, November 5, 2019 5:11 PM

To: Michael Lawrence (MPL@givenspursley.com) <MPL@givenspursley.com>

Cc: Keen, Shelley <Shelley.Keen@idwr.idaho.gov>; Dittus, Roger <roger.dittus@suez.com>; Cooper, Catherine

[<cathy.cooper@suez.com>](mailto:cathy.cooper@suez.com)

Subject: RE: Lexington Hills Inc Suez Transfer 82161

Hi Mike,

Following up on our meeting this afternoon, I spoke with Matt Anders regarding the ability to accommodate later start dates for a water right in the accounting. Generally speaking, all other things being equal, a diversion accrues to the most senior right first. He and I agreed that it is not a normal practice for people to choose whether to divert their junior rights ahead of their senior rights, but we both understand that it would do you no good to utilize that senior right when you have junior rights available. That said, the accounting can easily handle a water right with either a later season of use start date. This can be implemented either as a fixed date or a rule-based date, such as the day after the day of allocation, for example.

So, in short, the concept of conditioning the right so the season of use is tied to the day of allocation will work with the accounting.

I do not yet have much to say about the other questions related to the transfer (as a change in nature of use or not, and whether or not it needs to be re-advertised, conditioning, etc...). I believe Shelley and I and some others are meeting tomorrow, so I expect we will know more after that.

Nick.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

APR 08 1998

Givens, Pursley & Hunt

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 7, 1998

Michael C. Creamer, Esq.
GIVENS PURSLEY & HUNTLEY LLP
277 N. 6th Street, Suite 200
Boise, ID 83701

Re: Irrigation Water Right Use by a Municipal Provider

Dear Mr. Creamer:

This letter is in response to your correspondence of November 3, 1997, on behalf of United Water Idaho ("UWID") regarding alternatives for meeting UWID's need for additional water supplies to meet summer irrigation demands within its service area. Your letter indicates that up to half of UWID's current municipal water demand during the summer months is used for irrigation purposes. The numbers you provide indicate that UWID's current average daily demand is approximately 37 million gallons per day ("mgd"). This average daily demand is contrasted with a peak demand of 77 mgd during the summer months when water is being used to irrigate lawns, gardens, parks and landscaping. You state the demand for irrigation water through UWID's delivery system is expected to increase substantially over the next fifteen to twenty years as a result of further population growth and urbanization of agricultural lands.

Your letter suggests that one potentially feasible method of meeting UWID's summer irrigation water demand is to recognize that the use of water delivered through UWID's municipal delivery system for the irrigation of lawns, gardens, parks and landscaping remains an irrigation purpose of use even though the delivery system is different than the system previously used to deliver water to the same lands for irrigated agricultural purposes. According to your letter, recognition by the Department of Water Resources ("IDWR") of this principle would allow UWID to contract with the U.S. Bureau of Reclamation for use of a portion of the 111,950 acre-feet of irrigation water authorized to be stored in Lucky Peak Reservoir pursuant to State of Idaho Water Right Permit No. 63-03618.

The issue raised by your letter is whether any change in Water Right Permit No. 63-03618 is required under Idaho Code § 42-211 to authorize water stored and released pursuant

Michael C. Creamer, Esq
April 7, 1998
Page 2

the permit to be used by UWID to meet summer irrigation demands within its municipal delivery system. The issue is unique in that no case law has been identified addressing this issue aside from the unreported district court decision from Colorado cited in your letter, In re: Concerning the Application for Water Rights of the City of Arvada in Jefferson and Adams Counties, Case Nos. W-8083-75 and W-8762-77 (Colo. Dist. Court, Water Division No. 1, Sept. 9, 1992). Although the question may be unique, determination of the applicability of Idaho Code § 42-211 to the situation described does not appear difficult.

Idaho Code § 42-211 provides that when a permit holder desires to change the place, period, or nature of the intended use, or make other substantial changes in the method of diversion or proposed use or uses of the water, the permit holder shall file an application for amendment with IDWR. The filing requirement under Idaho Code § 42-211 is similar to that under Idaho Code § 42-222 which requires a person entitled to the use of water under a license, decree or beneficial use claim to obtain the approval of IDWR before changing the point of diversion, place of use, period of use or nature of use of all or part of the water right.

Under the factual scenario described in your letter, UWID proposes contracting with the U.S. Bureau of Reclamation for the use of a portion of the water authorized to be diverted under permit no. 63-03618 without seeking any change in the point of diversion, place of use, period of use or nature of use under the water right. Under this factual scenario, the permit amendment requirements of Idaho Code § 42-211 would not pertain.

IDWR has long recognized that a water right with an irrigation purpose of use may be used for the irrigation of lawns, gardens, parks and landscaping. The fact that the irrigation water may be comingled and distributed through a municipal system that also delivers water for other municipal purposes, does not alone necessitate a change in the nature of use of the water right from irrigation to municipal. A key factor in not requiring a change in the nature of use of the water right from irrigation to municipal is that UWID provide annual reporting of appropriate measurements and accounting procedures to demonstrate that the additional water diverted is necessary to satisfy increased summer demand for irrigation water through the municipal system on lands for which the permit is authorized to be used. In order to satisfy this accounting requirement, it may be necessary for UWID to demonstrate through representative metering the amount of comingled irrigation water that is withdrawn from its municipal delivery system for irrigation use on lands authorized under the permit.

In conclusion, IDWR shares the view expressed in your letter that provided an appropriate accounting is made of the amounts of water diverted and used for irrigation, a municipal water provider may divert irrigation water into its common municipal delivery system and deliver the irrigation component for irrigation purposes. While no change in the irrigation water right would be required under the provisions of Idaho Code §§ 42-211 or 42-222, it would

Michael C. Creamer, Esq
April 7, 1998
Page 3

be necessary to establish an appropriate measurement and accounting procedure in accordance with the policies and provisions of chapters 6 and 7, title 42, Idaho Code.

Sincerely,



KARL J. DREHER
Director

cc: John W. Keys, III
Tony Sullins
Gary Spackman



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

RECEIVED
OCT 31 2005
WATER RESOURCES
WESTERN REGION

October 24, 2005

John Westra, Regional Manager
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Revised Application for Transfer - City of Mountain Home
Water Rights 61-2167, 61-2210

Dear John:

Based on our telephone conversation on October 24, 2005, I am submitting revised documents to amend or change the transfer for the City of Mountain Home to reflect that there is no change in the nature of use of the irrigation right. This is in concert with our discussions with the Director on October 12, 2005.

I have revised Part 1 of the transfer to reflect that the purpose of the transfer is to provide irrigation water for the City to meet current and future summertime demands and Part 3 of the transfer to reflect no change in the nature of use of the water rights thereby maintaining the discharge rate of 7.32 cfs and annual volume of 1800 acre feet for both water rights.

In addition, I revised the narrative supporting the transfer application to reflect the same changes. The remainder of the application IE: the Part 2's do not need revision. Please note that Mayor Joe B. McNeal has signed the revised application for the City and it has been properly notarized.

If you would assemble the revised application and proceed with processing as soon as possible, it would be appreciated.

Sincerely,


Charles E. Brockway, P.E.

cc: James Bledsac - Keller Engineering
Jay Friedly, Attorney - City of Mountain Home



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 15, 2005

Charles E. Brockway
Brockway Engineering
2016 N. Washington St., Suite 4
Twin Falls, ID 83301

Re: City of Mountain Home Transfer No. 72128

Dear Mr. Brockway:

The amended application for transfer you recently submitted for the City of Mountain Home proposes the nature of use under rights 61-2167 and 61-2210 be retained as irrigation rather than municipal use as originally filed.

In the parallel review of this proposal with department personnel at the State Office, it was brought to our attention that the Director has addressed such a scenario with United Water Idaho. In a letter to UWID's attorney, the Director stated IDWR has long recognized that a water right with an irrigation purpose of use may be used for the irrigation of lawns, gardens, parks and landscaping. The fact that the irrigation water may be co-mingled and distributed through a municipal system that also delivers water for other municipal purposes, does not alone necessitate a change in the nature of use of the water right from irrigation to municipal. However, the Director went on to say that a key factor in not requiring a change in the nature of use of the water right from irrigation to municipal is that the applicant provide annual reporting of appropriate measurements and accounting procedures to demonstrate that the additional water diverted is necessary to satisfy increased summer demand for irrigation water through the municipal system on lands for which the right is authorized to be used. In order to satisfy this accounting requirement, it may be necessary for City of Mountain Home to demonstrate through representative metering the amount of co-mingled irrigation water that is withdrawn from its municipal delivery system for irrigation use on lands authorized under the rights.

Provided that an appropriate accounting is made of the amounts of water diverted and used for irrigation, a municipal water provider may divert irrigation water into its common municipal delivery system and deliver the irrigation component for irrigation purposes. However, establishing an appropriate measurement and accounting procedure in accordance with the policies and provisions of chapters 6 and 7, Title 42, **Idaho Code**, is necessary.

Charles E. Brockway
November 15, 2005
Page 2

Please submit the requested information to allow final evaluation of the transfer application to be completed. You may seek additional time to provide the information by making a written request to delay or interrupt processing. Your written response including the requested information, or a request for more time to seek the information must be received within thirty (30)-days of the date of this letter. The application will be voided or removed from our records without a timely reply.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel A. Nelson", with a long horizontal flourish extending to the right.

DANIEL A. NELSON
Sr. Water Resource Agent

APPENDIX C

Appendix C PARTIAL DECREES FOR WATER RIGHT NOS. 61-2167 AND 61-2210

2000 OCT 26 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576) PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 61-02210

NAME AND ADDRESS: KERRY J LAWSON
LOIS ERIN OWENS
8540 N CENTRAL UNIT 31
PHOENIX, AZ 85020

JACK L LAWSON
HC 85 BOX 227
GRANDVIEW, ID 83624

SOURCE: GROUNDWATER

QUANTITY: 5.35 CFS
1172.00 AFY

PRIORITY DATE: 09/30/1966

POINT OF DIVERSION: T04S R05E S30 NWNE Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	5.35 CFS 1172.00 AFY

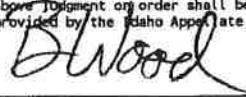
PLACE OF USE:	Irrigation	Within Elmore County
	T04S R05E S19	NWSE 37.0
		SESE 40.0
	S30	NWNE 39.0
		SENE 36.0
	293.0 Acres Total	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 61-02210

PAGE 1
Oct-25-2000

2000 OCT 26 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 61-02167

NAME AND ADDRESS: KERRY J LAWSON
LOIS ERIN OWENS
8540 N CENTRAL UNIT 31
PHOENIX, AZ 85020

JACK L LAWSON
HC 85 BOX 227
GRANDVIEW, ID 83624

SOURCE: GROUNDWATER

QUANTITY: 1.97 CFS
628.00 AFY

PRIORITY DATE: 04/06/1964

POINT OF DIVERSION: T04S R05E S19 LOT 05 (MWSW) Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	1.97 CFS 628.00 AFY

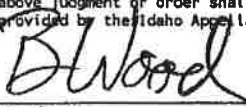
PLACE OF USE: Irrigation Within Elmore County
T04S R05E S19 NESW 38.0 LOT 05 (MWSW)39.0
LOT 08 (SWSW)40.0 SESW 40.0
157.0 Acres Total

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 61-02167

PAGE 1
Oct-25-2000

APPENDIX D

Appendix D APPROVED TRANSFER NO. 72128

Page 1 of 14

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES TRANSFER OF WATER RIGHT TRANSFER NO. 72128

This is to certify that: CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME ID 83647
(208)587-2108

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 Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
61-2167	WR/Decreed	04/06/1964	1.97 cfs	628 af	N/A	157.0	GROUND WATER
61-2210	WR/Decreed	09/30/1966	5.35 cfs	1172 af	N/A	293.0	GROUND WATER
61-2072	WR/Decreed	03/13/1931	2.00 cfs	N/A	N/A	N/A	GROUND WATER
61-2170	WR/Decreed	05/27/1964	9.64 cfs	N/A	N/A	N/A	GROUND WATER
61-7184	WR/Decreed	04/22/1974	4.35 cfs	N/A	N/A	N/A	GROUND WATER
61-7339	WR/Decreed	08/18/1977	4.50 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
61-2167	NO	YES	YES	YES	NO	NO
61-2210	NO	YES	YES	YES	NO	NO
61-2072	NO	NO	NO	YES	NO	NO
61-2170	NO	NO	NO	YES	NO	NO
61-7184	NO	NO	NO	YES	NO	NO
61-7339	NO	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
61-2167	61-2167	1.97 cfs	628.0 af	N/A	N/A		N/A	N/A	N/A	N/A
61-2210	61-2210	5.35 cfs	1172.0 af	N/A	N/A		N/A	N/A	N/A	N/A
61-2072	61-2072	2.00 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
61-2170	61-2170	9.64 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
61-7184	61-7184	4.35 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
61-7339	61-7339	4.50 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED TOTALS		27.81 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 61-02072

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72128

Detailed Water Right Description(s) attached

Dated this 3rd day of November, 20 06


Chief, Water Allocation Bureau

**WATER RIGHT NO. 61-2167
As Modified by Transfer No. 72128**

In accordance with the approval of Transfer No. 72128, Water Right No. 61-2167 is now described as follows.

Right Holder: CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME ID 83647

Priority Date: April 06, 1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	1.97 CFS	628.0 AF
			1.97 CFS	628.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 13 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NENE	Sec. 23 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NWNW	Sec. 25 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SESE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NESE	Sec. 19 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	L1 (NWNW)	Sec. 30 Twp 03S	Rge 07E	ELMORE County

CONDITIONS OF APPROVAL

1. 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.
2. This right is limited to the irrigation of 157 acres within the authorized place of use in a single irrigation season.
3. Prior to diversion and use of water for irrigation purposes under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
4. Rights 61-2072, 61-2170, 61-7184 and 61-7339 when combined shall not exceed a total diversion rate of 20.49 cfs, and a total annual maximum diversion volume of 14,834 af for municipal purposes; and when combined with irrigation rights 61-2167 and 61-2210 are limited to a total diversion rate of 27.81 cfs and a total annual maximum diversion volume of 16,634 af.
5. Every 5 years, or more or less frequently if deemed necessary by the department, the right holder shall submit an analysis of the number of acres irrigated within the authorized place of use that are not already covered by Mountain Home Irrigation District or other surface water rights, which will include an aerial photo clearly designating all lands being irrigated.

**WATER RIGHT NO. 61-2167
As Modified by Transfer No. 72128**

CONDITIONS OF APPROVAL

6. The right holder shall submit a report annually to the department demonstrating that the water diverted under rights 61-2167 and 61-2210 is necessary to satisfy demands for irrigation use during the authorized period of use. The annual report shall include the maximum weekly volume diverted for all purposes during both the irrigation season and the non-irrigation season. The annual report shall also include the total volume diverted for all purposes during both the irrigation season and the non-irrigation season. After specific notification by the department, the right holder shall provide to the department any data used to compile the report.
7. Any diversions of water under this right shall not be allowed if irrigation within the authorized place of use is curtailed or ceases for any reason.
8. The right holder shall accomplish the change authorized by this transfer within five years 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.
10. The diversion and use of water described in Transfer 72128 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
11. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
12. This right does not grant any right-of-way or easement across the land of another.
13. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
14. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
15. 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 for irrigation of the authorized place of use.
16. Rights 61-2210, 61-2072, 61-2170, 61-7184 and 61-7339 are also diverted through the points of diversion described above.

This water right 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.

Dated this 3rd day of November, 20 06


Chief, Water Allocation Bureau

**WATER RIGHT NO. 61-2210
As Modified by Transfer No. 72128**

In accordance with the approval of Transfer No. 72128, Water Right No. 61-2210 is now described as follows.

Right Holder: CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME ID 83647

Priority Date: September 30, 1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	5.35 CFS	1,172.0 AF
			5.35 CFS	1,172.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 13 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NENE	Sec. 23 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NWNW	Sec. 25 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SESE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NESE	Sec. 19 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	L1 (NWNW)	Sec. 30 Twp 03S	Rge 07E	ELMORE County

CONDITIONS OF APPROVAL

1. 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.
2. This right is limited to the irrigation of 293 acres within the authorized place of use in a single irrigation season.
3. Prior to diversion and use of water for irrigation purposes under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
4. Rights 61-2072, 61-2170, 61-7184 and 61-7339 when combined shall not exceed a total diversion rate of 20.49 cfs, and a total annual maximum diversion volume of 14,834 af for municipal purposes; and when combined with irrigation rights 61-2167 and 61-2210 are limited to a total diversion rate of 27.81 cfs and a total annual maximum diversion volume of 16,634 af.
5. Every 5 years, or more or less frequently if deemed necessary by the department, the right holder shall submit an analysis of the number of acres irrigated within the authorized place of use that are not already covered by Mountain Home Irrigation District or other surface water rights, which will include an aerial photo clearly designating all lands being irrigated.

WATER RIGHT NO. 61-2210
As Modified by Transfer No. 72128

CONDITIONS OF APPROVAL

6. The right holder shall submit a report annually to the department demonstrating that the water diverted under rights 61-2167 and 61-2210 is necessary to satisfy demands for irrigation use during the authorized period of use. The annual report shall include the maximum weekly volume diverted for all purposes during both the irrigation season and the non-irrigation season. The annual report shall also include the total volume diverted for all purposes during both the irrigation season and the non-irrigation season. After specific notification by the department, the right holder shall provide to the department any data used to compile the report.
7. Any diversions of water under this right shall not be allowed if irrigation within the authorized place of use is curtailed or ceases for any reason.
8. The right holder shall accomplish the change authorized by this transfer within five years 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.
10. The diversion and use of water described in Transfer 72128 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
11. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
12. This right does not grant any right-of-way or easement across the land of another.
13. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
14. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
15. 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 for irrigation of the authorized place of use.
16. Rights 61-2167, 61-2072, 61-2170, 61-7184 and 61-7339 are also diverted through the points of diversion described above.

This water right 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.

Dated this 3rd day of November, 20 06


Chief, Water Allocation Bureau

WATER RIGHT NO. 61-2072
As Modified by Transfer No. 72128

In accordance with the approval of Transfer No. 72128, Water Right No. 61-2072 is now described as follows.

Right Holder: CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME ID 83647

Priority Date: March 13, 1931

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	2.00 CFS
			2.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 13 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NENE	Sec. 23 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NWNW	Sec. 25 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SESE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NESE	Sec. 19 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	L1 (NWNW)	Sec. 30 Twp 03S	Rge 07E	ELMORE County

CONDITIONS OF APPROVAL

1. 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.
2. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. This right does not grant any right-of-way or easement across the land of another.
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 determine the amount of water diverted from power records and shall annually report the information to the Department.

WATER RIGHT NO. 61-2072
As Modified by Transfer No. 72128

CONDITIONS OF APPROVAL

7. The diversion and use of water described in Transfer 72128 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
8. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
9. Rights 61-2167, 61-2210, 61-2170, 61-7184 and 61-7339 are also diverted through the points of diversion described above.

This water right 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.

Dated this 3rd day of November, 20 06


Chief, Water Allocation Bureau

WATER RIGHT NO. 61-2170
As Modified by Transfer No. 72128

In accordance with the approval of Transfer No. 72128, Water Right No. 61-2170 is now described as follows.

Right Holder: CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME ID 83647

Priority Date: May 27, 1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	1/01	to 12/31	9.64 CFS
			9.64 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 13 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NENE	Sec. 23 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NWNW	Sec. 25 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SESE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NESE	Sec. 19 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	L1 (NWNW)	Sec. 30 Twp 03S	Rge 07E	ELMORE County

CONDITIONS OF APPROVAL

1. 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.
2. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. This right does not grant any right-of-way or easement across the land of another.
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 determine the amount of water diverted from power records and shall annually report the information to the Department.

WATER RIGHT NO. 61-2170
As Modified by Transfer No. 72128

CONDITIONS OF APPROVAL

7. The diversion and use of water described in Transfer 72128 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
8. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
9. Rights 61-2167, 61-2210, 61-2072, 61-7184 and 61-7339 are also diverted through the points of diversion described above.

This water right 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.

Dated this 3rd day of November, 2006


Chief, Water Allocation Bureau

**WATER RIGHT NO. 61-7184
As Modified by Transfer No. 72128**

In accordance with the approval of Transfer No. 72128, Water Right No. 61-7184 is now described as follows.

Right Holder: CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME ID 83647

Priority Date: April 22, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	1/01	to 12/31	4.35 CFS
			4.35 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 13 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NENE	Sec. 23 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NWNW	Sec. 25 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SESE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NESE	Sec. 19 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	L1 (NWNW)	Sec. 30 Twp 03S	Rge 07E	ELMORE County

CONDITIONS OF APPROVAL

1. 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.
2. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. This right does not grant any right-of-way or easement across the land of another.
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 determine the amount of water diverted from power records and shall annually report the information to the Department.

WATER RIGHT NO. 61-7184
As Modified by Transfer No. 72128

CONDITIONS OF APPROVAL

7. The diversion and use of water described in Transfer 72128 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
8. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
9. Rights 61-2167, 61-2210, 61-2072, 61-2170 and 61-7339 are also diverted through the points of diversion described above.

This water right 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.

Dated this 3rd day of November, 20 06


Chief, Water Allocation Bureau

**WATER RIGHT NO. 61-7339
As Modified by Transfer No. 72128**

In accordance with the approval of Transfer No. 72128, Water Right No. 61-7339 is now described as follows.

Right Holder: CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME ID 83647

Priority Date: August 18, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	1/01	to 12/31	4.50 CFS
			4.50 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 13 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NENE	Sec. 23 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NWNW	Sec. 25 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SESE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NESE	Sec. 19 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	L1 (NWNW)	Sec. 30 Twp 03S	Rge 07E	ELMORE County

CONDITIONS OF APPROVAL

1. 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.
2. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. This right does not grant any right-of-way or easement across the land of another.
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 determine the amount of water diverted from power records and shall annually report the information to the Department.

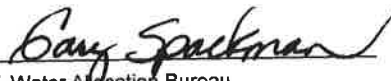
WATER RIGHT NO. 61-7339
As Modified by Transfer No. 72128

CONDITIONS OF APPROVAL

7. The diversion and use of water described in Transfer 72128 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
8. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
9. Rights 61-2167, 61-2210, 61-2072, 61-2170 and 61-7184 are also diverted through the points of diversion described above.

This water right 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.

Dated this 3rd day of November, 20 06


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72128

Digital Boundary for City of Mountain Home
Rights 61-2072, 61-2167, 61-2170, 61-2210, 61-7184 & 61-7339.
November 3, 2006

Legend
2004 NAIP Aerial Photography

-  City of Mountain Home shp
-  Township/Range
-  Sections
-  CO
-  GCD803S07E GCD8
-  GCD803S06E GCD8



APPENDIX E

Appendix E MEMORANDUM FROM SHARLA TO TRANSFER NO. 72128 (JULY 26, 2005)

MEMORANDUM

TO: Transfer No. 72128
FROM: Sharla
DATE: July 26, 2005
RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes a change in the point of diversion and place of use for two water rights that the city has agreed to purchase from Idaho Water Co. (with Del Kohtz as the broker for this project). ~~The nature of use and season of use under these two rights will also be changed via the transfer since the rights are currently irrigation rights.~~ Four other existing rights owned by the city are included in the transfer for purposes of adding three wells (known as Legacy Park Well, Shop Well and WWTP Well) to their combined system.

The place of use under all the rights is within the service area of the municipality and the majority of the points of diversion are within the boundaries of the service area or just outside the boundaries. The exceptions are wells 11 and 13 which are near the municipal airport and the WWTP well located close to the city's sewage disposal site.

Brockway Engineering is the consultant firm retained by the city for processing this transfer. They will be added to the applicant tab as the representative. Del Kohtz will be added as the representative for the two irrigation rights in data entry for all correspondence.

Summary of Information Submitted

Authority to File: The City of Mountain Home is the owner of record for four of the six rights listed in the transfer. The transfer application has been signed by the mayor. The documentation submitted with the application for ownership of the two rights consists of 1)an Option Agreement for Purchase and Sale of Real Estate between the Warkentin's and Delbert Kohtz and 2)an Agreement for Sale of Water Rights between Idaho Water Co. (Del Kohtz is the member of this organization serving as the broker for this transaction) and the city. The latter agreement specifies that the sale and purchase of the two water rights shall close no later than 30 days after the approval of the transfer. I contacted Pam Skaggs and she talked to Jeff about this ownership question. Jeff said that we can change the ownership to the city because the contracts that are in place assume that the change in ownership will occur and if for some reason the sale doesn't go through, we can rescind the transfer as a whole. This has been done for some dairy transfers. Therefore, the ownership has been changed to the city.

Water Right Validity: All of the rights are presumed to be valid as the partial decrees were issued in October of 2000 or April of 2001, within the past five year period.

Injury to Other Water Rights: None anticipated. The 450 acres currently irrigated by rights 61-2210 and 61-2167 will no longer be irrigated.

Enlargement of Use: ~~Diversion rates will remain as decreed on all the rights and volume limitations as decreed on the two irrigation rights will be adjusted per the information submitted by the consultant documenting the historical consumptive use (see attached evaluation). In the cover letter that was received with the consumptive use information, the hydrologist suggests that full volume be transferred rather than limiting to the historical consumptive use. Standard procedures for processing transfers which change the nature of use from irrigation to municipal require the limitation and this information has been passed on to the consultant². Application was amended to change 61-2167 and 61-2210 back to irrigation use, standard irrigation season and full diversion volume. No enlargement will occur with these limitations.~~

Local Public Interest: Providing water to the growing community's residents is in the local public interest.

Beneficial Use/Conservation of Water Resources: This application proposes beneficial use consistent with conservation of water resources in Idaho.

Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the application.

Additional Information &/or Analysis

As shown in the supportive narrative supplied by Brockway Engineering, Mountain Home is experiencing population growth of approximately 3.5% annually. Using the figures from Brockway's report, the current peak demand is 23.4 cfs. Existing rights total 20.49 cfs; 2.91 cfs is needed from the two new rights to meet current demands. The remaining 4.41 cfs would only cover a 5-year planning horizon at 3.5% annual growth. It's more reasonable to simply allow 5 years to complete the transfer than to have the applicant pursue RAFN (consultant only references a study being made; no solid data submitted). On 8/29/05 Dan Nelson spoke with Mr. Brockway about this and Mr. Brockway agreed that 5 years to complete the transfer is appropriate. Dan also informed Mr. Brockway that the historical consumptive use data would be used for determining volume limitation under the two irrigation rights being transferred. Mr. Brockway was not happy about this and subsequently met with Karl Dreher and John Westra. Based on that meeting, an amended application was filed reverting the use of the two irrigation rights back to irrigation for the full annual diversion volume allowed.

Comment letters will be sent to IDEQ and the Mountain Home GWMA Advisory Committee.

*Transfer was amended to retain full volume by leaving nature of use as irrigation.

Discussion

Partial decrees were issued & results were previously migrated to WR records; data entry therefore affected the correct WR records.

There are no overlapping rights at the place of use for the two rights being added to the system. All of the City of Mountain Home rights are included in the transfer, so overlap for the municipality place of use is n/a. Other rights with the same legal description as some of the points of diversion are privately owned wells, so there are no overlaps to be considered for this transfer.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, and assuming it is determined the application should be approved, the conditions of approval should be applied as listed in the draft approval document.

Condition 046 n/a since no new wells are proposed.

APPENDIX F

Appendix F OTHER EXAMPLES OF APPROVED TRANSFERS OF IRRIGATION RIGHTS INTO MUNICIPAL SYSTEMS

Page 1 of 4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75824

This is to certify that: CITY OF COEUR D ALENE
710 E MULLAN AVE
COEUR D ALENE ID 83814
(208)769-2300

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 Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
95-2164	WR/License	10/05/1964	3.61 cfs	N/A	N/A	316	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
95-2164	NO	YES	YES	YES	NO	YES

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
95-2164	95-2164	3.61 cfs	948 af	316	Municipal Boundary	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		3.61 cfs	948 af	316	Municipal Boundary	N/A	N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 30th day of July, 20 10


Pamela S. Skaggs
Chief, Water Allocation Bureau

WATER RIGHT NO. 95-2164
As Modified by Transfer No. 75824

In accordance with the approval of Transfer No. 75824, Water Right No. 95-2164 is now described as follows.

Right Holder: CITY OF COEUR D'ALENE
 710 E MULLAN AVE
 COEUR D'ALENE ID 83814

Priority Date: October 05, 1964

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	03/15	to 11/15	3.61 CFS	948.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUNDWATER	SWSW	Sec. 1 Twp 50N	Rge 04W KOOTENAI County
GROUNDWATER	L1 (NENE)	Sec. 4 Twp 50N	Rge 04W KOOTENAI County
GROUNDWATER	SWNW	Sec. 12 Twp 50N	Rge 04W KOOTENAI County
GROUNDWATER	L4 (NWSW)	Sec. 12 Twp 50N	Rge 04W KOOTENAI County
GROUNDWATER	L5 (NWSW)	Sec. 12 Twp 50N	Rge 04W KOOTENAI County
GROUNDWATER	SWNE	Sec. 26 Twp 51N	Rge 04W KOOTENAI County
GROUNDWATER	NENE	Sec. 28 Twp 51N	Rge 04W KOOTENAI County
GROUNDWATER	NENWNW	Sec. 35 Twp 51N	Rge 04W KOOTENAI County
GROUNDWATER	L6 (NESE)	Sec. 35 Twp 51N	Rge 04W KOOTENAI County
GROUNDWATER	SESW	Sec. 36 Twp 51N	Rge 04W KOOTENAI County

PLACE OF USE: MUNICIPAL (See conditions 1 and 2 below)

CONDITIONS OF APPROVAL

1. 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.
2. Place of use is within the service area of the City of Coeur d' Alene municipal water supply system as provided for under Idaho Law.
3. Municipal use is for irrigation of 316 acres within the authorized place of use in a single irrigation season.
4. The irrigation component of municipal use under this right when combined with all other rights shall provide no more than 3.0 afa per acre at the field headgate for irrigation of 316 acres.

WATER RIGHT NO. 95-2164
As Modified by Transfer No. 75824

CONDITIONS OF APPROVAL

5. 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.
6. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
7. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from a well located in T51N, R4W, Section 28, SESW. The original well was replaced by the common municipal system described under Transfer approval 75824.
8. The following rights are diverted through point(s) of diversion described above: Rights 95-2111, 95-2133, 95-2198, 95-7142, 95-7181, 95-8565, 95-8647, 95-8672, 95-8938 and 95-9007.
9. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.
10. When notified by the Department, the right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code, and/or the management plan for the Rathdrum Prairie Ground Water Management Area.
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 Transfer 75824 within one year of the date of 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.
14. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Coeur d'Alene-Spokane River Basin Adjudication.

This water right 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.

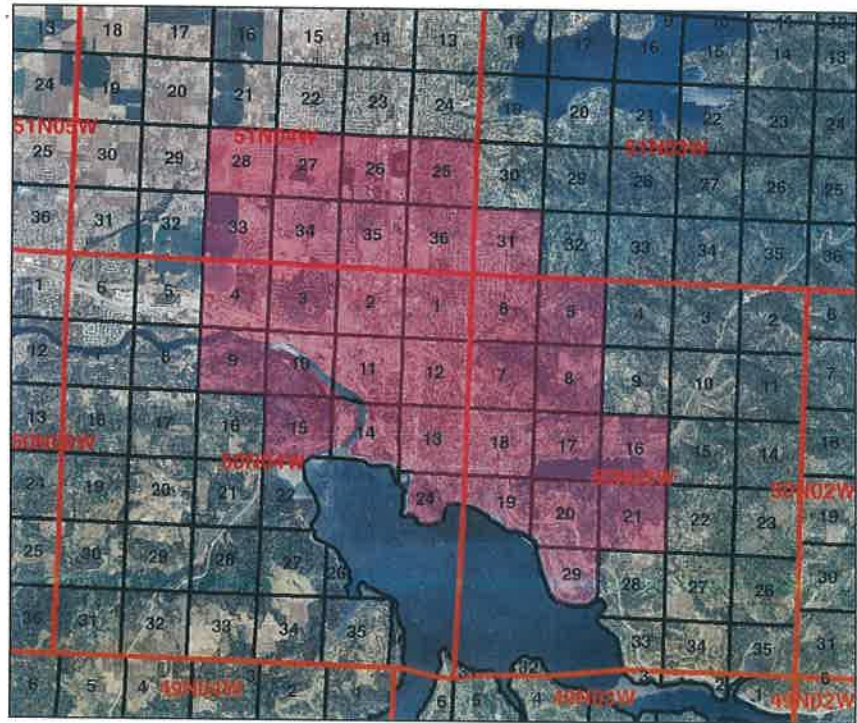
Dated this 30th day of July, 20 10


for Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
Transfer Of Water Right

Transfer No. 75824

Water Service Area Boundary for City Of Coeur D Alene
Rights: 95-2164



0 1 2 4 6 Miles

Legend

-  City_Place_of_Use
-  Township/Range
-  Sections



2009 Aerial Imagery

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78273**

SUPPORT DATA

This is to certify that: CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME, ID 83647

IN FILE # 601-2072

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>
61-2072	WR/DECREE	3/13/1931	2,000 cfs	N/A	N/A	N/A	GROUND WATER
61-2167	WR/DECREE	4/8/1964	1,970 cfs	628.0 af	157.0	N/A	GROUND WATER
61-2170	WR/DECREE	5/27/1964	9,640 cfs	N/A	N/A	N/A	GROUND WATER
61-2188	WR/DECREE	2/17/1966	2,680 cfs	593.7 af	133.2	260.0	GROUND WATER
61-2210	WR/DECREE	9/30/1966	5,350 cfs	1172.0 af	293.0	N/A	GROUND WATER
61-7151	WR/DECREE	4/9/1973	1,140 cfs	400.0 af	100.0	260.0	GROUND WATER
61-7172F	WR/DECREE	11/19/1973	2,810 cfs	885.3 af	N/A	221.0	GROUND WATER
61-7184	WR/DECREE	4/22/1974	4,350 cfs	N/A	N/A	N/A	GROUND WATER
61-7339	WR/DECREE	8/18/1977	4,500 cfs	N/A	N/A	N/A	GROUND WATER
61-7439	WR/LICENSE	6/10/1981	3,140 cfs	628.0 af	N/A	157.0	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>
61-2072	NO	YES	YES	YES	NO	NO
61-2167	NO	YES	YES	YES	NO	YES
61-2170	NO	YES	YES	YES	NO	NO
61-2188	NO	YES	YES	YES	NO	YES
61-2210	NO	YES	YES	YES	NO	YES
61-7151	NO	YES	YES	YES	NO	YES
61-7172F	NO	YES	YES	YES	NO	YES
61-7184	NO	YES	YES	YES	NO	NO
61-7339	NO	YES	YES	YES	NO	NO
61-7439	NO	YES	YES	YES	NO	YES

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>
61-2072	61-2072	2,000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
61-2167	61-2167	1,970 cfs	628.0 af	157.0	N/A	N/A	N/A	N/A	N/A	N/A
61-2170	61-2170	9,640 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
61-2188	61-2188	2,680 cfs	593.7 af	133.2	N/A	N/A	N/A	N/A	N/A	N/A
61-2210	61-2210	5,350 cfs	1172.0 af	293.0	N/A	N/A	N/A	N/A	N/A	N/A

Transfer No. 78273

SCANNED

SEP 25 2014

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

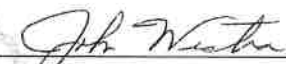
TRANSFER OF WATER RIGHT
TRANSFER NO. 78273

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
61-7151	61-7151	1.140 cfs	400.0 af	100.0	N/A	N/A	N/A	N/A	N/A	N/A
61-7172F	61-7172F	2.810 cfs	885.3 af	221.0	N/A	N/A	N/A	N/A	N/A	N/A
61-7184	61-7184	4.350 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
61-7339	61-7339	4.500 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
61-7439	61-7439	3.140 cfs	628.0 af	157.0	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		36.420 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 22nd day of September, 2014.


Western Regional Manager

Transfer No. 78273

WATER RIGHT NO. 61-7439

As Modified by Transfer No. 78273

In accordance with the approval of Transfer No. 78273, Water Right No. 61-7439 is now described as follows:

Right Holder: CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME, ID 83647

Priority Date: 6/10/1981

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
MUNICIPAL	04/01	to 10/31	3.140 cfs	628.0 af
			3.140 cfs	628.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSW	Sec 13 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESW	Sec 13 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 22 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NENE	Sec 23 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NWNW	Sec 25 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 25 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SENE	Sec 26 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SENE	Sec 26 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 36 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NESE	Sec 19 Twp 03S Rge 07E	ELMORE County
GROUND WATER	SWSE	Sec 19 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NENW	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NENW	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	L1 (NWNW)	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NWNE	Sec 13 Twp 04S Rge 06E	ELMORE County
GROUND WATER	NESW	Sec 13 Twp 04S Rge 06E	ELMORE County
GROUND WATER	L1 (NENE)	Sec 3 Twp 04S Rge 06E	ELMORE County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Mountain Home municipal water supply system as provided for under Idaho Law.
2. 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.
3. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
4. 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. 78273

WATER RIGHT NO. 61-7439
As Modified by Transfer No. 78273

CONDITIONS OF APPROVAL

5. Municipal use is limited to municipal type irrigation of 157.0 acres within the authorized place of use in a single irrigation season.
6. Rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 when combined shall not exceed a total diversion rate of 15.93 cfs and an annual diversion volume of 4,305.7 af for the municipal type irrigation of 1,061.2 acres.
7. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 when combined shall not exceed a total diversion rate of 36.42 cfs.
8. 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 municipal type irrigation within the place of use.
9. The period of use for the municipal type irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than date of Transfer No. 78273 approval.
10. Prior to diversion and use of water under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
11. Starting January 15, 2016, and continuing every January 15 until notified by the department, the right holder shall submit a report annually to the department demonstrating that the water diverted under rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 is necessary to satisfy demands for municipal type irrigation use during the authorized period of use. The annual report shall include the maximum weekly volume diverted for all purposes during both the irrigation season and the non-irrigation season. The annual report shall also include the total volume diverted for all purposes during both the irrigation season and non-irrigation season. After specific notification by the department, the right holder shall provide to the department any data used to compile the report.
12. Every five (5) years, or more or less frequently if deemed necessary by the department, the right holder shall submit an analysis, based on a current aerial photo, of the number of acres irrigated for municipal type irrigation within the authorized place of use that are not already covered by Mountain Home Irrigation District or other surface water rights.
13. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
14. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 are diverted through points of diversion described above.
15. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 78273

WATER RIGHT NO. 61-7339

As Modified by Transfer No. 78273

In accordance with the approval of Transfer No. 78273, Water Right No. 61-7339 is now described as follows:

Right Holder: CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME, ID 83647

Priority Date: 8/18/1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	1/01	to 12/31	4,500 cfs
			4,500 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSW	Sec 13 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESW	Sec 13 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 22 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NENE	Sec 23 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NWNW	Sec 25 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 25 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SENE	Sec 26 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SENE	Sec 26 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 36 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NESE	Sec 19 Twp 03S Rge 07E	ELMORE County
GROUND WATER	SWSE	Sec 19 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NENW	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NENW	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	L1 (NWNW)	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NWNE	Sec 13 Twp 04S Rge 06E	ELMORE County
GROUND WATER	NESW	Sec 13 Twp 04S Rge 06E	ELMORE County
GROUND WATER	L1 (NENE)	Sec 3 Twp 04S Rge 06E	ELMORE County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Mountain Home municipal water supply system as provided for under Idaho Law.
2. 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.
3. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
4. 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. 78273

WATER RIGHT NO. 61-7339
As Modified by Transfer No. 78273

CONDITIONS OF APPROVAL

5. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 when combined shall not exceed a total diversion rate of 36.42 cfs.
7. Prior to diversion and use of water under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. The diversion and use of water described in Transfer 72128, and in previous Transfer 69591 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
10. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
11. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 are diverted through points of diversion described above.
12. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 78273

WATER RIGHT NO. 61-2188
As Modified by Transfer No. 78273

In accordance with the approval of Transfer No. 78273, Water Right No. 61-2188 is now described as follows:

Right Holder: JAY B BROWN
595 E 13TH N
MOUNTAIN HOME, ID 83647

Priority Date: 2/17/1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
MUNICIPAL	03/15	to 11/15	2.660 cfs	593.7 af
			2.660 cfs	593.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSW	Sec 13 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESW	Sec 13 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 22 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NENE	Sec 23 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NWNW	Sec 25 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 25 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SENE	Sec 26 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SENE	Sec 26 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 36 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NESE	Sec 19 Twp 03S Rge 07E	ELMORE County
GROUND WATER	SWSE	Sec 19 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NENW	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NENW	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	L1 (NWNW)	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NWNE	Sec 13 Twp 04S Rge 06E	ELMORE County
GROUND WATER	NESW	Sec 13 Twp 04S Rge 06E	ELMORE County
GROUND WATER	L1 (NENE)	Sec 3 Twp 04S Rge 06E	ELMORE County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Mountain Home municipal water supply system as provided for under Idaho Law.
2. 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.
3. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
4. 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. 78273

WATER RIGHT NO. 61-2188
As Modified by Transfer No. 78273

CONDITIONS OF APPROVAL

5. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. Municipal use is limited to municipal type irrigation of 133.2 acres within the authorized place of use in a single irrigation season.
7. Rights 61-2188 and 61-7151 when combined shall not exceed a total diversion rate of 2.66 cfs for the municipal type irrigation of 233.2 acres.
8. Rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 when combined shall not exceed a total diversion rate of 15.93 cfs and an annual diversion volume of 4,305.7 af for the municipal type irrigation of 1,061.2 acres.
9. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 when combined shall not exceed a total diversion rate of 36.42 cfs.
10. 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 municipal type irrigation within the place of use.
11. Prior to diversion and use of water under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
12. Starting January 15, 2016, and continuing every January 15 until notified by the department, the right holder shall submit a report annually to the department demonstrating that the water diverted under rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 is necessary to satisfy demands for municipal type irrigation use during the authorized period of use. The annual report shall include the maximum weekly volume diverted for all purposes during both the irrigation season and the non-irrigation season. The annual report shall also include the total volume diverted for all purposes during both the irrigation season and non-irrigation season. After specific notification by the department, the right holder shall provide to the department any data used to compile the report.
13. Every five (5) years, or more or less frequently if deemed necessary by the department, the right holder shall submit an analysis, based on a current aerial photo, of the number of acres irrigated for municipal type irrigation within the authorized place of use that are not already covered by Mountain Home Irrigation District or other surface water rights.
14. The diversion and use of water described in this right per Transfer 78273 is subject to additional conditions and limitations agreed to by the City of Mountain Home and Jay Brown stipulated in the "Acknowledgement and Agreement" signed 7/29/14.
15. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
16. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 are diverted through points of diversion described above.

Transfer No. 78273

WATER RIGHT NO. 61-2188
As Modified by Transfer No. 78273

CONDITIONS OF APPROVAL

17. This right does not grant any right-of-way or easement across the land of another.
18. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.



Transfer No. 78273

WATER RIGHT NO. 61-7151**As Modified by Transfer No. 78273**

In accordance with the approval of Transfer No. 78273, Water Right No. 61-7151 is now described as follows:

Right Holder: JAY B BROWN
595 E 13TH N
MOUNTAIN HOME, ID 83647

Priority Date: 4/9/1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
MUNICIPAL	04/01	to 10/31	1,140 cfs	400.0 af
			1,140 cfs	400.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSW	Sec 13 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESW	Sec 13 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 22 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NENE	Sec 23 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NWNW	Sec 25 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 25 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SENE	Sec 26 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SENE	Sec 26 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 26 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 36 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NESE	Sec 19 Twp 03S Rge 07E	ELMORE County
GROUND WATER	SWSE	Sec 19 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NENW	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NENW	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	L1 (NWNW)	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NWNE	Sec 13 Twp 04S Rge 06E	ELMORE County
GROUND WATER	NESW	Sec 13 Twp 04S Rge 06E	ELMORE County
GROUND WATER	L1 (NENE)	Sec 3 Twp 04S Rge 06E	ELMORE County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Mountain Home municipal water supply system as provided for under Idaho Law.
2. 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.
3. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
4. 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. 78273

WATER RIGHT NO. 61-7151
As Modified by Transfer No. 78273

CONDITIONS OF APPROVAL

5. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. Municipal use is limited to municipal type irrigation of 100.0 acres within the authorized place of use in a single irrigation season.
7. Rights 61-2188 and 61-7151 when combined shall not exceed a total diversion rate of 2.66 cfs for the municipal type irrigation of 233.2 acres.
8. Rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 when combined shall not exceed a total diversion rate of 15.93 cfs and an annual diversion volume of 4,305.7 af for the municipal type irrigation of 1,061.2 acres.
9. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 when combined shall not exceed a total diversion rate of 36.42 cfs.
10. 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 municipal type irrigation within the place of use.
11. The period of use for the municipal type irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
12. Prior to diversion and use of water under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
13. Starting January 15, 2016, and continuing every January 15 until notified by the department, the right holder shall submit a report annually to the department demonstrating that the water diverted under rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 is necessary to satisfy demands for municipal type irrigation use during the authorized period of use. The annual report shall include the maximum weekly volume diverted for all purposes during both the irrigation season and the non-irrigation season. The annual report shall also include the total volume diverted for all purposes during both the irrigation season and non-irrigation season. After specific notification by the department, the right holder shall provide to the department any data used to compile the report.
14. Every five (5) years, or more or less frequently if deemed necessary by the department, the right holder shall submit an analysis, based on a current aerial photo, of the number of acres irrigated for municipal type irrigation within the authorized place of use that are not already covered by Mountain Home Irrigation District or other surface water rights.
15. The diversion and use of water described in this right per Transfer 78273 is subject to additional conditions and limitations agreed to by the City of Mountain Home and Jay Brown stipulated in the "Acknowledgement and Agreement" signed 7/29/14.

Transfer No. 78273

WATER RIGHT NO. 61-7151
As Modified by Transfer No. 78273

CONDITIONS OF APPROVAL

16. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
17. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 are diverted through points of diversion described above.
18. This right does not grant any right-of-way or easement across the land of another.
19. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.



Transfer No. 78273

WATER RIGHT NO. 61-2167

As Modified by Transfer No. 78273

In accordance with the approval of Transfer No. 78273, Water Right No. 61-2167 is now described as follows:

Right Holder: CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME, ID 83647

Priority Date: 4/6/1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
MUNICIPAL	04/01	to 11/01	1.970 cfs	628.0 af
			1.970 cfs	628.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSW	Sec 13 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESW	Sec 13 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 22 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NENE	Sec 23 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NWNW	Sec 25 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 25 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SENE	Sec 28 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SENE	Sec 28 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 26 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 36 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NESE	Sec 19 Twp 03S Rge 07E	ELMORE County
GROUND WATER	SWSE	Sec 19 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NENW	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NENW	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	L1 (NWNW)	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NWNE	Sec 13 Twp 04S Rge 06E	ELMORE County
GROUND WATER	NESW	Sec 13 Twp 04S Rge 06E	ELMORE County
GROUND WATER	L1 (NENE)	Sec 3 Twp 04S Rge 06E	ELMORE County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Mountain Home municipal water supply system as provided for under Idaho Law.
2. 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.
3. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
4. 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. 78273

WATER RIGHT NO. 61-2167
As Modified by Transfer No. 78273

CONDITIONS OF APPROVAL

5. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. Municipal use is limited to municipal type irrigation of 157.0 acres within the authorized place of use in a single irrigation season.
7. Rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 when combined shall not exceed a total diversion rate of 15.93 cfs and an annual diversion volume of 4,305.7 af for the municipal type irrigation of 1,061.2 acres.
8. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 when combined shall not exceed a total diversion rate of 36.42 cfs.
9. 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 municipal type irrigation within the place of use.
10. The period of use for the municipal type irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
11. Prior to diversion and use of water under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
12. Starting January 15, 2016, and continuing every January 15 until notified by the department, the right holder shall submit a report annually to the department demonstrating that the water diverted under rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 is necessary to satisfy demands for municipal type irrigation use during the authorized period of use. The annual report shall include the maximum weekly volume diverted for all purposes during both the irrigation season and the non-irrigation season. The annual report shall also include the total volume diverted for all purposes during both the irrigation season and non-irrigation season. After specific notification by the department, the right holder shall provide to the department any data used to compile the report.
13. Every five (5) years, or more or less frequently if deemed necessary by the department, the right holder shall submit an analysis, based on a current aerial photo, of the number of acres irrigated for municipal type irrigation within the authorized place of use that are not already covered by Mountain Home Irrigation District or other surface water rights.
14. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
15. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 are diverted through points of diversion described above.
16. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 78273

WATER RIGHT NO. 61-2167
As Modified by Transfer No. 78273

CONDITIONS OF APPROVAL

17. The diversion and use of water described in Transfer 72128 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
18. Any diversions of water under this right shall not be allowed if irrigation within the authorized place of use is curtailed or ceases for any reason.
19. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.



Transfer No. 78273

WATER RIGHT NO. 61-2210**As Modified by Transfer No. 78273**

In accordance with the approval of Transfer No. 78273, Water Right No. 61-2210 is now described as follows:

Right Holder: CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME, ID 83647

Priority Date: 9/30/1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
MUNICIPAL	04/01	to 11/01	5.350 cfs	1172.0 af
			5.350 cfs	1172.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSW	Sec 13 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESW	Sec 13 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 22 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NENE	Sec 23 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NWNW	Sec 25 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 25 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SENE	Sec 26 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SENE	Sec 26 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 26 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 36 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NESE	Sec 19 Twp 03S Rge 07E	ELMORE County
GROUND WATER	SWSE	Sec 19 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NENW	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NENW	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	L1 (NWNW)	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NWNE	Sec 13 Twp 04S Rge 06E	ELMORE County
GROUND WATER	NESW	Sec 13 Twp 04S Rge 06E	ELMORE County
GROUND WATER	L1 (NENE)	Sec 3 Twp 04S Rge 06E	ELMORE County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Mountain Home municipal water supply system as provided for under Idaho Law.
2. 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.
3. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
4. 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. 78273

WATER RIGHT NO. 61-2210
As Modified by Transfer No. 78273

CONDITIONS OF APPROVAL

5. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. Municipal use is limited to municipal type irrigation of 293.0 acres within the authorized place of use in a single irrigation season.
7. Rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 when combined shall not exceed a total diversion rate of 15.93 cfs and an annual diversion volume of 4,305.7 af for the municipal type irrigation of 1,061.2 acres.
8. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 when combined shall not exceed a total diversion rate of 36.42 cfs.
9. 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 municipal type irrigation within the place of use.
10. The period of use for the municipal type irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
11. Prior to diversion and use of water under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
12. Starting January 15, 2016, and continuing every January 15 until notified by the department, the right holder shall submit a report annually to the department demonstrating that the water diverted under rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 is necessary to satisfy demands for municipal type irrigation use during the authorized period of use. The annual report shall include the maximum weekly volume diverted for all purposes during both the irrigation season and the non-irrigation season. The annual report shall also include the total volume diverted for all purposes during both the irrigation season and non-irrigation season. After specific notification by the department, the right holder shall provide to the department any data used to compile the report.
13. Every five (5) years, or more or less frequently if deemed necessary by the department, the right holder shall submit an analysis, based on a current aerial photo, of the number of acres irrigated for municipal type irrigation within the authorized place of use that are not already covered by Mountain Home Irrigation District or other surface water rights.
14. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
15. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 are diverted through points of diversion described above.
16. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 78273

WATER RIGHT NO. 61-2210

As Modified by Transfer No. 78273

CONDITIONS OF APPROVAL

17. The diversion and use of water described in Transfer 72128 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
18. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
19. Any diversions of water under this right shall not be allowed if irrigation within the authorized place of use is curtailed or ceases for any reason.



Transfer No. 78273

WATER RIGHT NO. 61-7172F
As Modified by Transfer No. 78273

In accordance with the approval of Transfer No. 78273, Water Right No. 61-7172F is now described as follows:

Right Holder: CITY OF MOUNTAIN HOME
 PO BOX 10
 MOUNTAIN HOME, ID 83647

Priority Date: 11/19/1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
MUNICIPAL	03/15	to 10/15	2 810 cfs	885.3 af
			2 810 cfs	885.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSW	Sec 13 Twp 03S Rge 06E ELMORE County
GROUND WATER	SESW	Sec 13 Twp 03S Rge 06E ELMORE County
GROUND WATER	SESE	Sec 22 Twp 03S Rge 06E ELMORE County
GROUND WATER	NENE	Sec 23 Twp 03S Rge 06E ELMORE County
GROUND WATER	NWNW	Sec 25 Twp 03S Rge 06E ELMORE County
GROUND WATER	SESE	Sec 25 Twp 03S Rge 06E ELMORE County
GROUND WATER	SENE	Sec 26 Twp 03S Rge 06E ELMORE County
GROUND WATER	SENE	Sec 26 Twp 03S Rge 06E ELMORE County
GROUND WATER	SWNE	Sec 27 Twp 03S Rge 06E ELMORE County
GROUND WATER	SWNE	Sec 27 Twp 03S Rge 06E ELMORE County
GROUND WATER	SESE	Sec 27 Twp 03S Rge 06E ELMORE County
GROUND WATER	SWNE	Sec 36 Twp 03S Rge 06E ELMORE County
GROUND WATER	NESE	Sec 19 Twp 03S Rge 07E ELMORE County
GROUND WATER	SWSE	Sec 19 Twp 03S Rge 07E ELMORE County
GROUND WATER	NENW	Sec 30 Twp 03S Rge 07E ELMORE County
GROUND WATER	NENW	Sec 30 Twp 03S Rge 07E ELMORE County
GROUND WATER	L1 (NWNW)	Sec 30 Twp 03S Rge 07E ELMORE County
GROUND WATER	NWNE	Sec 13 Twp 04S Rge 06E ELMORE County
GROUND WATER	NESW	Sec 13 Twp 04S Rge 06E ELMORE County
GROUND WATER	L1 (NENE)	Sec 3 Twp 04S Rge 06E ELMORE County

PLACE OF USE: MUNICIPAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S	06E	22																	
03S	06E	23	X		X	X			X	X	X	X	X	X	X	X	X	X	
03S	06E	24	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
03S	06E	25	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
03S	06E	26	X	X	X	X	X	X						X	X	X	X	X	
03S	06E	35	X	X	X	X			X					X	X				
03S	06E	36	X	X	X		X	X	X	X		X							
03S	07E	19			X	X							X	X	X	X	X	X	
													L4						
03S	07E	30		X	X		X	X	X	X	X	X							
							L1	L2				L3	L4						

Transfer No. 78273

WATER RIGHT NO. 61-7172F
As Modified by Transfer No. 78273

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Mountain Home municipal water supply system as provided for under Idaho Law.
2. 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.
3. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. Municipal use is limited to municipal type irrigation of 221.0 acres within the authorized place of use in a single irrigation season.
7. Rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 when combined shall not exceed a total diversion rate of 15.93 cfs and an annual diversion volume of 4,305.7 af for the municipal type irrigation of 1,061.2 acres.
8. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 when combined shall not exceed a total diversion rate of 36.42 cfs.
9. 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 municipal type irrigation within the place of use.
10. The period of use for the municipal type irrigation described in this approval may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/7/2000.
11. Prior to diversion and use of water under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
12. Starting January 15, 2016, and continuing every January 15 until notified by the department, the right holder shall submit a report annually to the department demonstrating that the water diverted under rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 is necessary to satisfy demands for municipal type irrigation use during the authorized period of use. The annual report shall include the maximum weekly volume diverted for all purposes during both the irrigation season and the non-irrigation season. The annual report shall also include the total volume diverted for all purposes during both the irrigation season and non-irrigation season. After specific notification by the department, the right holder shall provide to the department any data used to compile the report.

Transfer No. 78273

WATER RIGHT NO. 61-7172F
As Modified by Transfer No. 78273

CONDITIONS OF APPROVAL

13. Every five (5) years, or more or less frequently if deemed necessary by the department, the right holder shall submit an analysis, based on a current aerial photo, of the number of acres irrigated for municipal type irrigation within the authorized place of use that are not already covered by Mountain Home Irrigation District or other surface water rights.
14. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
15. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 are diverted through points of diversion described above.
16. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 78273

WATER RIGHT NO. 61-2072
As Modified by Transfer No. 78273

In accordance with the approval of Transfer No. 78273, Water Right No. 61-2072 is now described as follows:

Right Holder: CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME, ID 83647

Priority Date: 3/13/1931

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	2,000 cfs
			2,000 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSW	Sec 13 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESW	Sec 13 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 22 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NENE	Sec 23 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NWNW	Sec 25 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 25 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SENE	Sec 26 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SENE	Sec 26 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 36 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NESE	Sec 19 Twp 03S Rge 07E	ELMORE County
GROUND WATER	SWSE	Sec 19 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NENW	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NENW	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	L1 (NWNW)	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NWNE	Sec 13 Twp 04S Rge 06E	ELMORE County
GROUND WATER	NESW	Sec 13 Twp 04S Rge 06E	ELMORE County
GROUND WATER	L1 (NENE)	Sec 3 Twp 04S Rge 06E	ELMORE County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Mountain Home municipal water supply system as provided for under Idaho Law.
2. 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.
3. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
4. 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. 78273

WATER RIGHT NO. 61-2072
As Modified by Transfer No. 78273

CONDITIONS OF APPROVAL

5. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 when combined shall not exceed a total diversion rate of 36.42 cfs.
7. Prior to diversion and use of water under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. The diversion and use of water described in Transfer 72128, and in previous Transfer 69591 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
10. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
11. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 are diverted through points of diversion described above.
12. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 78273

WATER RIGHT NO. 61-2170
As Modified by Transfer No. 78273

In accordance with the approval of Transfer No. 78273, Water Right No. 61-2170 is now described as follows:

Right Holder: CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME, ID 83647

Priority Date: 5/27/1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	1/01	to 12/31	9.640 cfs 9.640 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSW	Sec 13 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESW	Sec 13 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 22 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NENE	Sec 23 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NWNW	Sec 25 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 25 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SENE	Sec 26 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SENE	Sec 26 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 36 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NESE	Sec 19 Twp 03S Rge 07E	ELMORE County
GROUND WATER	SWSE	Sec 19 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NENW	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NENW	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	L1 (NWNW)	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NWNE	Sec 13 Twp 04S Rge 06E	ELMORE County
GROUND WATER	NESW	Sec 13 Twp 04S Rge 06E	ELMORE County
GROUND WATER	L1 (NENE)	Sec 3 Twp 04S Rge 06E	ELMORE County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Mountain Home municipal water supply system as provided for under Idaho Law.
2. 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.
3. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
4. 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. 78273

WATER RIGHT NO. 61-2170
As Modified by Transfer No. 78273

CONDITIONS OF APPROVAL

5. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 when combined shall not exceed a total diversion rate of 36.42 cfs.
7. Prior to diversion and use of water under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. The diversion and use of water described in Transfer 72128, and in previous Transfer 69591 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
10. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
11. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 are diverted through points of diversion described above.
12. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 78273

WATER RIGHT NO. 61-7184
As Modified by Transfer No. 78273

In accordance with the approval of Transfer No. 78273, Water Right No. 61-7184 is now described as follows:

Right Holder: CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME, ID 83647

Priority Date: 4/22/1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	1/01	to 12/31	4.350 cfs
			4.350 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSW	Sec 13 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESW	Sec 13 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 22 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NENE	Sec 23 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NWNW	Sec 25 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 25 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SENE	Sec 26 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SENE	Sec 26 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 27 Twp 03S Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec 36 Twp 03S Rge 06E	ELMORE County
GROUND WATER	NESE	Sec 19 Twp 03S Rge 07E	ELMORE County
GROUND WATER	SWSE	Sec 19 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NENW	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NENW	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	L1 (NWNW)	Sec 30 Twp 03S Rge 07E	ELMORE County
GROUND WATER	NWNE	Sec 13 Twp 04S Rge 06E	ELMORE County
GROUND WATER	NESW	Sec 13 Twp 04S Rge 06E	ELMORE County
GROUND WATER	L1 (NENE)	Sec 3 Twp 04S Rge 06E	ELMORE County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Mountain Home municipal water supply system as provided for under Idaho Law.
2. 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.
3. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
4. 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. 78273

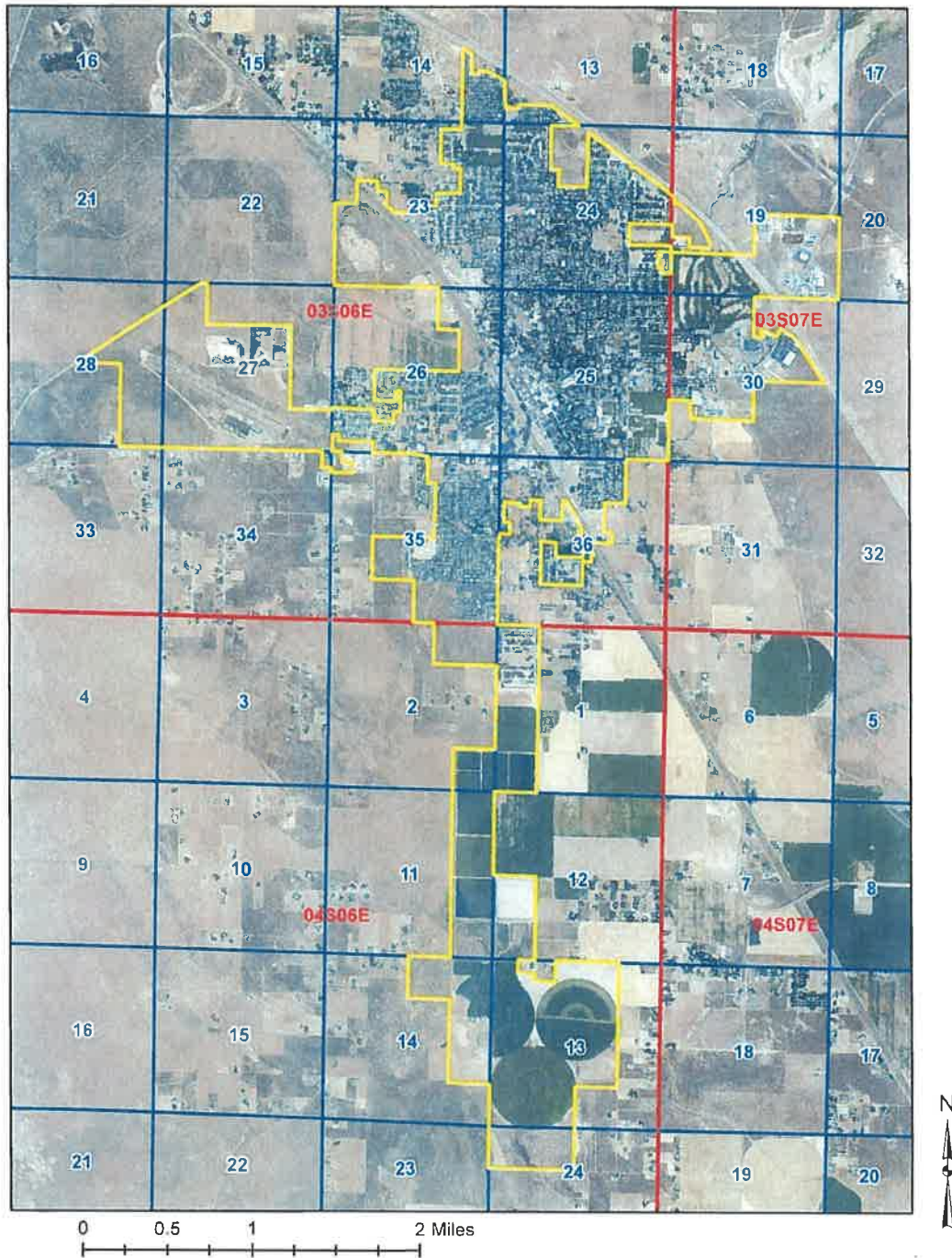
WATER RIGHT NO. 61-7184
As Modified by Transfer No. 78273

CONDITIONS OF APPROVAL

5. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 when combined shall not exceed a total diversion rate of 36.42 cfs.
7. Prior to diversion and use of water under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. The diversion and use of water described in Transfer 72128, and in previous Transfer 69591 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
10. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
11. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 are diverted through points of diversion described above.
12. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 78273

City of Mountain Home Municipal Service Area Transfer 78273



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78803

This is to certify that: CITY OF JEROME
152 E AVE A
JEROME, ID 83338

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>
36-8111	WR/DECREED	8/20/1982	0.560 cfs	152.0 af	N/A	38.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

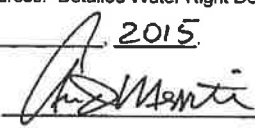
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-8111	NO	YES	YES	NO	NO	YES

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>
36-8111	36-8111	0.530 cfs	106.0 af	26.5	26.5	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.530 cfs	106.0 af	26.5	26.5		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 1st day of September, 2015.


Southern Region Manager

Transfer No. 78803

WATER RIGHT NO. 36-8111

As Modified by Transfer No. 78803

In accordance with the approval of Transfer No. 78803, Water Right No. 36-8111 is now described as follows:

Right Holder: CITY OF JEROME
152 E AVE A
JEROME, ID 83338

Priority Date: 8/20/1982

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
MUNICIPAL	03/15	to 11/15	0.530 cfs	106.0 af
			0.530 cfs	106.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 25 Twp 08S Rge 16E	JEROME County
GROUND WATER	SESE	Sec 17 Twp 08S Rge 17E	JEROME County
GROUND WATER	SESW	Sec 18 Twp 08S Rge 17E	JEROME County
GROUND WATER	SESW	Sec 18 Twp 08S Rge 17E	JEROME County
GROUND WATER	NWNE	Sec 19 Twp 08S Rge 17E	JEROME County

Transfer No. 78803

WATER RIGHT NO. 36-8111
As Modified by Transfer No. 78803

CONDITIONS OF APPROVAL

1. Municipal use is only for irrigation of 26.5 acres within the authorized place of use in a single irrigation season. No other municipal type uses are authorized under this right.
2. The right holder shall file an application for transfer and obtain approval from the Department before using water diverted pursuant to this right for any purpose, including municipal use, other than irrigation of open space within the municipal service area.
3. Place of use is within the service area of the City of Jerome municipal water supply system as provided for under Idaho Law.
4. This right is limited to the irrigation of a specific 26.5 acres within the service area of the City of Jerome in a single irrigation season. The specific 26.5 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 26.5 acres to be irrigated within the City of Jerome service area, 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.
5. Use of water under this right will 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.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. 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.
8. Prior to the diversion and use of water under Transfer approval 78803, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications.
9. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
10. The following rights are diverted through point(s) of diversion described above: 36-2518, 36-4195, 36-4196, 36-8237, and 36-15361.
11. This right does not grant any right-of-way or easement across the land of another.
12. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 78803

WATER RIGHT NO. 36-8111
As Modified by Transfer No. 78803

CONDITIONS OF APPROVAL

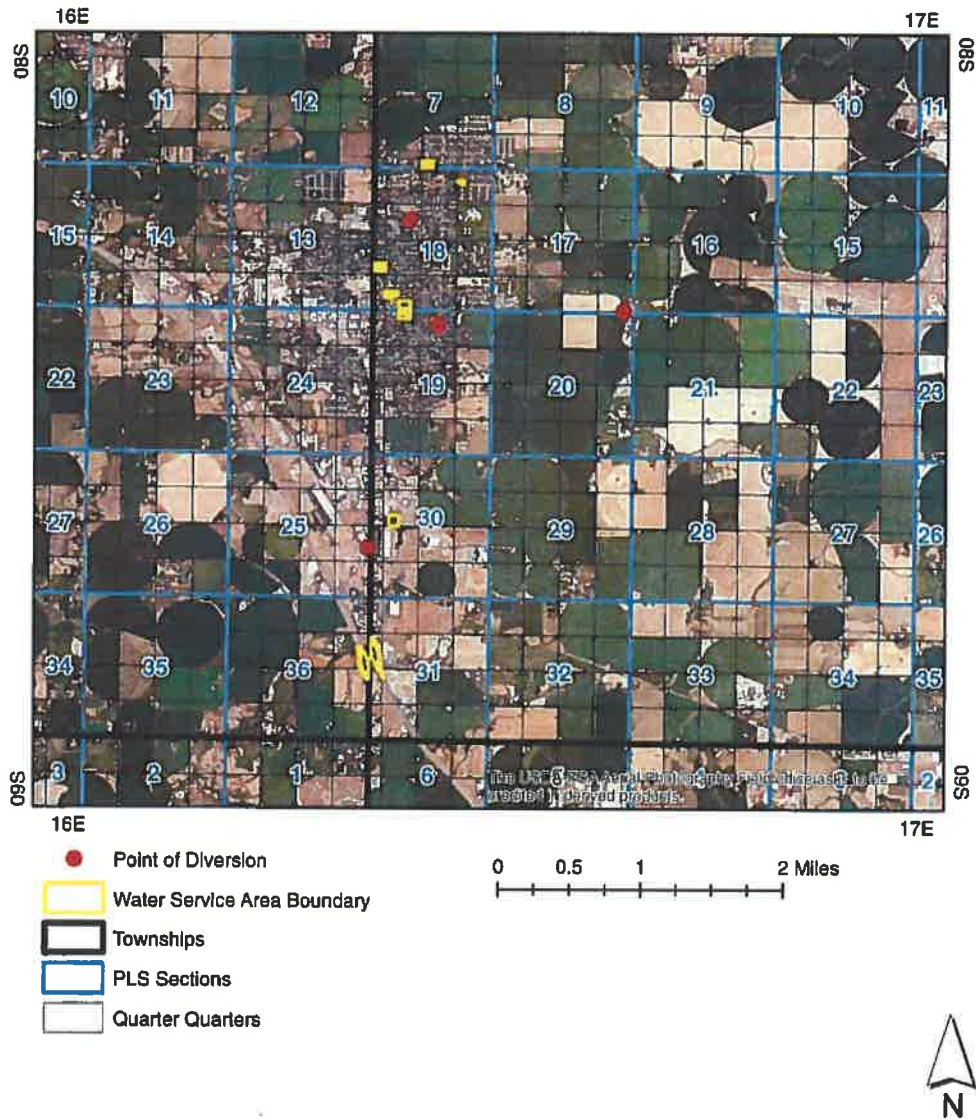
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



Transfer No. 78803

State of Idaho
Department of Water Resources
Attachment To Transfer No. 78803
36-8111

This map depicts the MUNICIPAL 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.



**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82051**

This is to certify that: CITY OF SUGAR CITY
10 E CENTER ST
PO BOX 56
SUGAR CITY, ID 83448

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

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
22-7225	WR/DECREE	4/11/1977	2.920 cfs	511.0 af	N/A	146.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
22-7225	YES	YES	YES	YES	NO	YES

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
22-7225	22-14304	0.040 cfs	7.0 af	2.0	N/A	22-7225	2.880 cfs	504.0 af	N/A	144.0
COMBINED TOTALS		0.040 cfs	7.0 af	2.0	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 24th day of July, 2018.


Water Resources Program Manager

Transfer No. 82051

SUPPORT PAGE
IN FILE # 22-7225

WATER RIGHT NO. 22-7225
As Modified by Transfer No. 82051

In accordance with the approval of Transfer No. 82051, Water Right No. 22-7225 is now described as follows:

Right Holder: DOUGLAS K SAKOTA AND
KENNETH T SAKOTA
PO BOX 163
REXBURG, ID 83440

Priority Date: 4/11/1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/15	2,880 cfs	504.0 af
			2,880 cfs	504.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENE Sec 18 Twp 06N Rge 40E MADISON 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	
06N	40E	18	29.0	38.0	39.0	38.0													144.0
POU Total Acres:																			

CONDITIONS OF APPROVAL

1. Use of this right is combined with water from Teton Island Canal & Fremont Madison Irrigation District.
2. The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. 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.

Transfer No. 82051

WATER RIGHT NO. 22-14304
As Modified by Transfer No. 82051

In accordance with the approval of Transfer No. 82051, Water Right No. 22-14304 is now described as follows:

Right Holder: DOUGLAS K SAKOTA AND
KENNETH T SAKOTA
PO BOX 163
REXBURG, ID 83440

Priority Date: 4/11/1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
MUNICIPAL	04/01	to 10/15	0.040 cfs	7.0 af
			0.040 cfs	7.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSE	Sec 4	Twp 06N Rge 40E	MADISON County
GROUND WATER	NWSE	Sec 4	Twp 06N Rge 40E	MADISON County
GROUND WATER	L2 (NWNE)	Sec 4	Twp 06N Rge 40E	MADISON County
GROUND WATER	SWSW	Sec 4	Twp 06N Rge 40E	MADISON County
GROUND WATER	SWNW	Sec 9	Twp 06N Rge 40E	MADISON County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Sugar City municipal water supply system as provided for under Idaho Law.
2. 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.
3. Municipal use is for irrigation of 2.0 acres within the authorized place of use in a single irrigation season.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
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. 100.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. Prior to diversion and use of water under Transfer approval 82051, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.

Transfer No. 82051

WATER RIGHT NO. 22-14304
As Modified by Transfer No. 82051

CONDITIONS OF APPROVAL

8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. The period of use for the irrigation use described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than July 31, 2012.
10. Use of this right is combined with water from Teton Island Feeder Canal Co.
11. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
12. This right does not grant any right-of-way or easement across the land of another.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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.

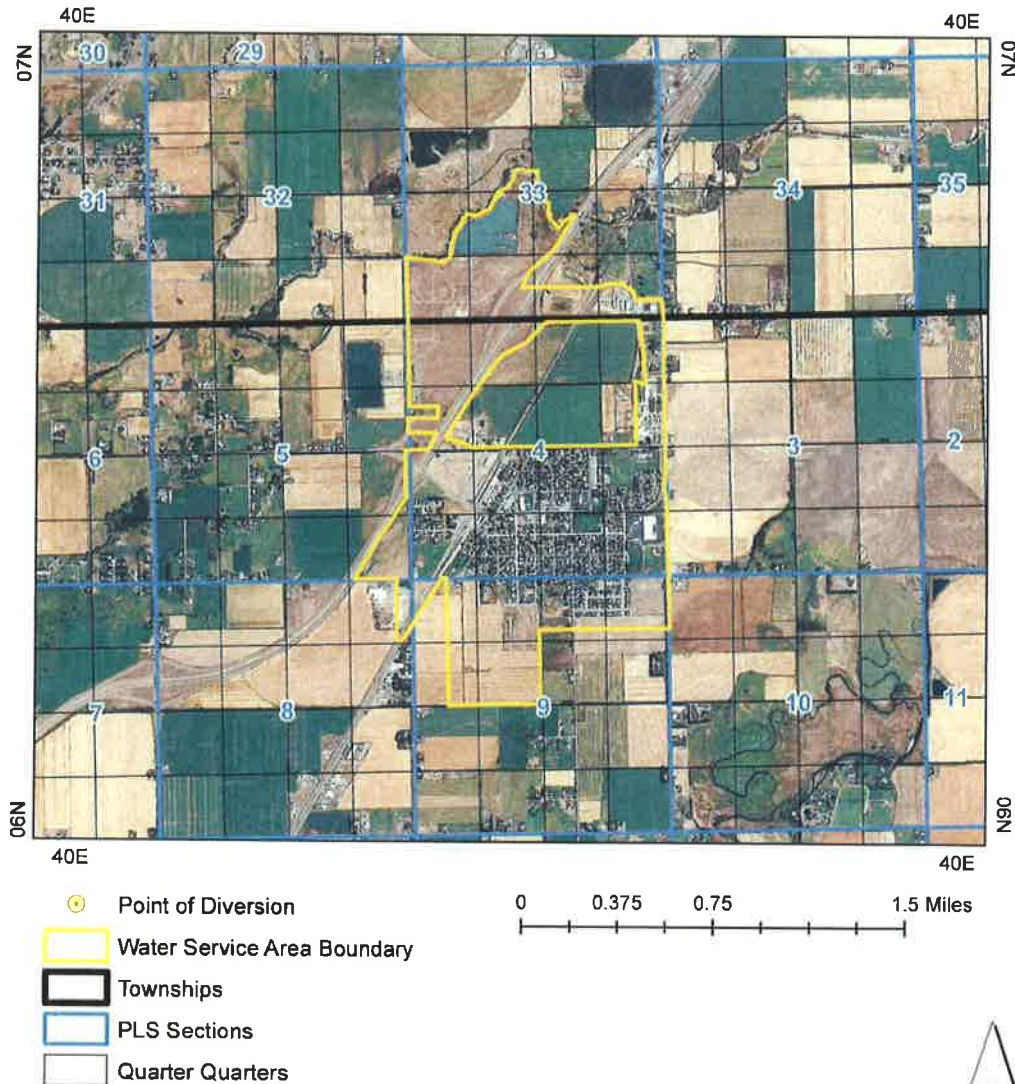
Transfer No. 82051

State of Idaho
Department of Water Resources

**Water Right
22-14304**

MUNICIPAL

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



APPENDIX G

Appendix G SETTLEMENT AGREEMENT IN TRANSFER NO. 72128

JAY R. FRIEDLY
HALL, FRIEDLY & WARD
Attorneys for Applicant
340 East 2nd North Street
Mountain Home, Idaho 83647
Telephone: (208) 587-4412
Facsimile: (208) 587-3144
Idaho State Bar No: 1479

SEP 25 2006
DEPARTMENT OF
WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 72128)
(REGARDING WATER RIGHT NOS.) SETTLEMENT AGREEMENT
61-2072, 61-2167, 61, 2170, 61-2210,)
61-7184, & 61-7339) IN THE NAME)
OF THE CITY OF MOUNTAIN HOME)
_____)

This stipulation and settlement agreement is entered into by the City of Mountain Home, Idaho, the applicant for the transfer of the above water rights, the Protestants to the transfer and the Intervenor Richard T. McMahon and Charlotte A. McMahon.

RECITALS

(a) The City of Mountain Home, Idaho, ("City") has entered into an agreement to purchase Water Right Nos. 61-2167 and 61-2210, which water rights have historically supplied irrigation water to the Warkentin farm in Sections 19 and 30, Township 4 South, Range 5 East, Boise Meridian, in Elmore County, Idaho, through a well located in the Northwest Quarter of the Southwest Quarter of said Section 19 and the Northwest Quarter of the Northeast Quarter of Section 30.

Settlement Agreement - 1

Wait for...

(b) The City filed an application with the Idaho Department of Water Resources ("Department") requesting a change of a point of diversion, an addition of five points of diversion, a change in the nature of use, a change in period of use, and a change in the place of use for Water Right Nos. 61-2167 and 61-220.

(c) After a meeting with the Department on October 24, 2005, and at the request of the Department, the City filed an amended application to reflect that there would be no change in the nature of use of the irrigation rights and that the City would not request that the water rights be changed to municipal rights.

(d) Notice of the application for transfer was given as provided by law.

(e) Protests to the transfer application were filed with the Department by Forrest Freer, Ramona E. Yrazabal, William and Theresa Brown, Richard Fisher, Joseph and Gloria Swails, Charles J. Olson, Truman E. Parker, Joseph W. Ferbrache, Luis Lasuen, Michael H. and Marilyn J. Landers, Jerry Loosli, Edmond Loosli, Esther Z. Fisher, Jim Carrie, Ronald F. Fisher, Robert K. Lytle, Patrick C. Cruser, Bill Sanders, Mae G. Sanders, Jack B. Donahue, Clair E. Long, Ralph Groefsema, Aaron Martin, and George P. Hazzard. *Lois and Delbert York*

York

(f) On April 25, 2006, an Order was entered by the Department allowing Richard T. and Charlotte A. McMahon to intervene in the proceedings on the Application for Transfer #72128.

(g) The City, the Protestants and the Intervenors have met in an attempt to resolve the protests filed and the objections to the transfer of the Protestants and Intervenors.

(h) The parties to this settlement agreement understand that the Mountain Home regional aquifer is over appropriated and there is and has been a decline in the water level

Settlement Agreement - 2

of the aquifer, and that the City currently uses less than 5% of the total water withdrawn from the Mountain Home aquifer.

(i) The City is concerned and recognizes the concern of the Protestants, Intervenor and others over the declining aquifer.

(j) The City has agreed to modify its application in accordance with this settlement agreement and the Protestants and Intervenor have agreed to withdraw their protests based upon the promises and agreements contained herein.

IT IS HEREBY STIPULATED AND AGREED by the City, the Protestants and the Intervenor as follows:

1. The City hereby withdraws its request for additional points of diversion consisting of proposed Well Nos. 17, 18, the Shop Well and the Waster Water Treatment Plant Well and deletes the request for these new points of diversion from the transfer application, leaving only the Legacy Park Well as a new point of diversion.
2. In consideration of the City withdrawing its request and deleting from its transfer application the above additional points of diversion, particularly proposed Well Nos. 17 and 18, Forest Freer hereby withdraws his protest to the transfer application.
3. With reference to the amount of water allowed to be transferred, the parties agree to allow the Department to determine the amount of water subject to the transfer.
4. The City will make a reasonable effort in the future to utilize surface water irrigation rights and water from the perched aquifer to supplement irrigation water for new subdivisions and parks in an attempt to decrease the reliance on the Mountain Home aquifer.

Settlement Agreement - 3

5. The City will perform a standard pump test as required for municipal wells by the Department of Environmental Quality on any new well (Legacy Park,) drilled by the City in conjunction with this transfer application in an attempt to determine the cone of influence of the new well. If the City drills a new well in conjunction with this transfer the City will perform or have performed a standard pump test on the new well by a well drilling professional. During the standard pump test of the City's new well, the City will contract with a third party to measure the water levels of some identified wells that are representative of the Protestant's wells (domestic or otherwise) located within one-quarter mile of the new City well. If the drawdown on the wells of any of the Protestants during the standard pump test is projected to be more than five feet, the City will extend the monitoring of selected wells to as much as one-half mile in order to determine the cone of influence of the new well. The City shall make a reasonable effort to mitigate any damages caused by the drawdown as a result of the new City well by connecting the damaged Protestant to City water, a reasonable cash payment to the Protestant to compensate the Protestant for any damages caused by the new well, or pay for lowering the Protestant's pump, at the City's discretion. If the drawdown caused by a new well drilled as a part of this transfer is significant over the first three years of operation as compared to the normal drawdown of the aquifer, then the City will reconsider the cone of influence and take appropriate action.

6. The City will continue to work with the other members of the ground water committee and will actively participate towards the goal of developing a ground water management plan for the Mountain Home area.

Settlement Agreement - 4

7. The City hereby modifies its transfer application to incorporate this agreement as a part of the application for transfer.

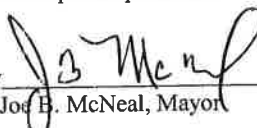
8. The Protestants and Intervenors hereby withdraw their protests and agree that the transfer can be made, subject to this agreement.

9. This agreement shall be binding upon the City, Protestants and Intervenors.

10. The provisions of this agreement may be incorporated in any order of the Department approving the City's application for transfer.

11. The parties agree that the provisions of this agreement shall govern the City's use of water pursuant to the water rights being transferred even if the conditions contained in this Agreement do not appear on either the water right or the transfer order issued by the Department.

City of Mountain Home, Idaho,
a municipal corporation,

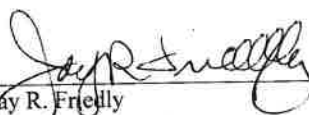
By 
Joe B. McNeal, Mayor



ATTEST:


Nina Patterson, City Clerk

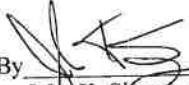
HALL, FRIEDLY & WARD

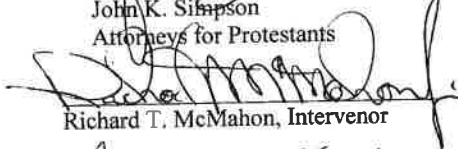
By 
Jay R. Friedly
Attorneys for Applicant

Settlement Agreement - 5

BARKER ROSHOLT & SIMPSON LLP

By


John K. Simpson
Attorneys for Protestants


Richard T. McMahon, Intervenor


Charlotte A. McMahon, Intervenor

Settlement Agreement - 6

~~Theresa L. Jones~~ ~~Freeman Parker~~
~~Gair B. Long~~
~~Connie Donahue~~
~~Lana Kyle~~
~~Ernest Z. Tucker~~
~~Will C. M.~~
~~Joe Terbrache~~
~~Kathy Terbrache~~
~~J. Swails~~
~~Edwards~~

~~James W. Larnie~~

PROTESTANTS:

Sally J. Cramer
~~Robert York~~ ~~Lois York~~
~~Ramona E. Yagobel~~
~~Marilyn J. Sanders~~
~~Richard H. Sanders~~
~~Angela H. Hays~~
~~Richard A. Fisher~~
~~Ralph Giessema~~
~~William C. Brown~~
~~Theresa D. Brown~~
~~Gene J. Brier~~
~~Charles J. Olson~~
~~Forrest T. Jones~~
~~Edmond Loach~~
~~Pat C. C.~~
~~Constance Fisher~~
~~Carl Sanders~~
~~Bill Sanders~~
~~Mark G. Sanders~~
~~Lee Law~~

APPENDIX H

**Appendix H EMAIL FROM NICK MILLER TO MICHAEL P. LAWRENCE (JUNE 17, 2019)
AND RESPONSE LETTER FROM MICHAEL P. LAWRENCE TO NICK MILLER
(SEP. 12, 2019)**

Michael P. Lawrence

From: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Sent: Monday, June 17, 2019 1:30 PM
To: Michael P. Lawrence
Subject: Lexington Hills Inc Suez Transfer 82161

Hi Mike,

I received your voicemail from Wednesday and I was not able to get this out on Thursday before I was out of the office on Friday. I apologize for not getting to this sooner.

This transfer proposes to change the POU and POD for water right 63-123F (136.8 acres of irrigation from the Boise River). The proposal is to change the POD from Farmer's Union Ditch and to instead describe two points of diversion from the Boise River owned and operated by SUEZ and that divert water into Suez's municipal distribution system. The proposal is to change the POU from the existing location at the Lexington Hills subdivision and instead deliver the water to any 136.8 acres within Suez's municipal service area.

As you are aware, the department cannot approve of a transfer that will result in a water right not in conformance with statutes, and it must evaluate enlargement in any transfer application. In this case, I see a couple of concerns in those regards.

First, the proposal to describe the place of use for the irrigation right as Suez's municipal service area does not comply with the "generally described place of use" that is authorized for irrigation rights under 42-219. The right does seem to qualify for a generally described place of use, and it was decreed that way, but a generally described place of use is not the same as a municipal service area as defined in 42-202B(9). To equate the two and issue an irrigation right with a municipal service area place of use suggests that the place of use for the resulting irrigation right would be subject to growth or would otherwise change as the municipal service area is authorized to change under Idaho Law. While irrigation is one of the uses included under the "Municipal Purposes" definition in 42-202B(6), the right was not developed as a municipal right by a municipal provider, so it does not qualify for the place of use to be described as the municipal service area.

The more pressing concern is the potential for enlargement when an irrigation right is diverted into a municipal system without any way to ensure that the right is not being used for something other than irrigation of a specific 136.8 acres within the place of use. If Suez does not define a specific place of use, then use under the right has a high potential to be enlarged and no opportunity to verify that it is not being enlarged.

In short, the department would not approve the transfer as the application is written. You do have options for changing the application to address these concerns. This includes changing the proposed place of use to one that is defined, such as a specific golf course, park, or other defined set of irrigated acres. There is also the option of proposing a nature of use change to municipal, which would also involve a reduction in the quantity as we have discussed.

Let me know how you would like to proceed.

Nick.

GIVENS PURSLEY^{LLP}

Attorneys and Counselors at Law

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MICHAEL P. LAWRENCE
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Jeremy C. Chou
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Michael C. Creamer
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Kelly Greene McConnell
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Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Emily G. Mueller
Deborah E. Nelson

W. Hugh O'Riordan, LL.M.
Randall A. Peterson
Jack W. Reil
Michael O. Roe
Jamie Caplan Smith
P. Mark Thompson
Jeffrey A. Warr
Robert B. White
Donald F. Krickrehm (retired)

Kenneth L. Pursley (1940-2015)
James A. McClure (1924-2011)
Raymond D. Givens (1917-2008)

September 12, 2019

Via Hand Delivery

Nick Miller
Western Regional Manager
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Transfer No. 82161 in the name of SUEZ Water Idaho Inc.

Dear Nick:

This letter and its enclosures respond to your June 17, 2019, email in which you propose that SUEZ Water Idaho Inc. ("SUEZ") specify a "defined set of irrigated acres" to be irrigated with water right no. 63-123F upon transfer approval.

The enclosed map depicts SUEZ's service area and the "defined set of irrigated acres" within the service area that will be irrigated under water right no. 63-123F. As described on the map, SUEZ proposes that its service area be approved as a permissible place of use within which it is entitled to irrigate 136.8 acres in a single irrigation season, and that the specific area containing 136.8 acres depicted on the map will be the actual irrigated place of use until further notice.

The enclosed memorandum prepared by SUEZ describes the methodology used to identify the specific area containing 136.8 irrigated acres. Figure 1 of the memorandum depicts the area in detail.

Your June 17 email states that the identification of the specific irrigated area is required because of concerns over potential enlargement of the water right. To further address that concern, SUEZ would agree to the imposition of a 4.5 acre-foot per acre volume limitation (which is the Department's standard field headgate requirement in this area) even though water right no. 63-123F currently has no such limitation.

Nick Miller
September 12, 2019
Page 2 of 2

Please let me know if there is any additional information necessary to complete the Application's processing. As always, do not hesitate to call or email if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'MPL', is positioned above the typed name.

Michael P. Lawrence
Attorney for SUEZ Water Idaho Inc.

Enclosures (map and memorandum)

cc (via email):
John Marshall
SUEZ Water Idaho Inc.

30-160_14812314_1.doc

[illegible]



FROM Cathy Cooper
Director of Engineering

TO Mike Lawrence
Attorney, Givens Pursley

Roger Dittus
Hydrogeologist

DEPARTMENT Engineering, Idaho Operations DATE September 4, 2019

SUBJECT Lexington Hills Water Right Transfer –
Irrigated Area Calculation Methodology

BACKGROUND

The developers of Lexington Hills, a subdivision in Eagle, Idaho, reserved a piece of their original irrigation water right appurtenant to the formerly irrigated land now covered by rooftops and paved areas. The water right (63-123F), is for 1.385 cfs of irrigation water from March 1 to November 15, with an acre limit of 136.8 acres.

SUEZ intends to buy this water right and transfer the place of use and place of diversion for use in SUEZ's municipal system and service area. In connection with the transfer, the Idaho Department of Water Resources is requiring SUEZ to identify specific acres within SUEZ's service area that will be irrigated with the water right.

This memorandum documents our analysis identifying those acres, which are displayed in Figure 1 below.

SUMMARY OF PLACE OF USE CALCULATION

We chose an area within the SUEZ service territory that can be supplied by either the Marden Water Treatment Plant (WTP) or Columbia WTP (the proposed post-transfer points of diversion for water right 63-123F), and that is not included in a canal company boundary, and therefore would not have a canal irrigation water right. The North End of Boise was selected.

We used a three-step analysis to determine where 136.8 acres would be irrigated in SUEZ's service area under the transferred water right: (1) identify an area in Boise's North End where 136.8 acres is irrigated, based on average percentage of irrigated land in the vicinity; (2) determine how many acres within that initial area are likely irrigated with domestic wells or irrigation water rights; and (3) increase the initially identified area to account for the domestic wells and irrigation water rights.

In summary, based on the average percentage of irrigated area in Boise's North End (approximately 36 percent), a total land area of 380 acres was initially identified ($136.8 \text{ acres} / 0.36 = 380 \text{ acres}$). To this shape, we added 5.0 acres in areas where no private wells or irrigation water rights exist to account for irrigation from individual domestic wells and irrigation rights in the initially identified 380 acre area. The final result is the 385 acre area identified in Figure 1, within which 136.8 acres will be irrigated with the transferred water right.

Idaho Office –8248 W. Victory Road, Boise, ID 83709



DETAILED PLACE OF USE CALCULATION

1. INITIAL IRRIGATED AREA CALCULATION BASED ON SAMPLE GRIDS. To determine an average irrigated area percentage of residential area in the North End we randomly selected 5 sample areas, and manually calculated the irrigated area percentage in these grids. The average percentage of irrigated area in the five sample grids is approximately 36%. Appendix A includes the detailed sample area calculation information.

Based on this 36% figure, we initially identified a total land area of 380 acres ($136.8 / 0.36$) as the area containing the lands proposed for irrigation under the transferred water right.

2. DOMESTIC WELL AND IRRIGATION WATER RIGHT ANALYSIS. We searched the IDWR database for individual wells in the initial 380 acre area to account for any area that might be irrigated by domestic/irrigation wells. We found nineteen total well locations in the area, with fourteen well logs expressly describing "domestic" use, one describing "yard," one describing "lawn," and three describing "irrigation" use. Because we identified only one recorded irrigation water right associated with any of the wells (discussed below in the irrigation water rights paragraph), we assumed the "yard," "lawn," and two of the "irrigation" wells supply uses similar in nature to "domestic" irrigation. Thus, we identified a total of 18 wells that appear to be associated with unrecorded domestic water rights.

Although each domestic well can irrigate up to 0.5 acres under an unrecorded domestic water right, the lots in this area average about 0.2 acres total. We assume that only one lot is irrigated with each well, for a total of 18 lots covering a total of 3.6 acres ($18 \text{ lots} \times 0.2 \text{ acres} = 3.6 \text{ acres}$) within the initial 380 acre area that are irrigated with private wells under unrecorded domestic water rights. To address this, we added 3.6 acres to the initial 380 acre area. Appendix B includes information used in this analysis, including the well logs.

We also searched IDWR's database for irrigation water rights with places of use in the initial 380 acre area. There are four irrigation water rights identified as wholly or partially within the area. Of these, only two of them appear to actually irrigate land—0.5 acres—in the 380 acre area. To account for this, another 1.4 acres ($0.5 \text{ acres} / 0.36 = 1.4$) was added to the initial 380 acre area. Appendix C includes information used in the irrigation water right analysis.

3. FINAL PLACE OF USE CALCULATION. Based on the average percentage of irrigated area in Boise's North End (approximately 36 percent), a total land area of 380 acres was initially identified ($136.8 \text{ acres} / 0.36 = 380 \text{ acres}$). To this shape, we added 5.0 acres in areas where no private wells or irrigation water rights exist to account for irrigation from individual domestic wells and irrigation rights in the initially identified 380 acre area. The final result is the 385 acre area identified in Figure 1, within which 136.8 acres will be irrigated with the transferred water right.

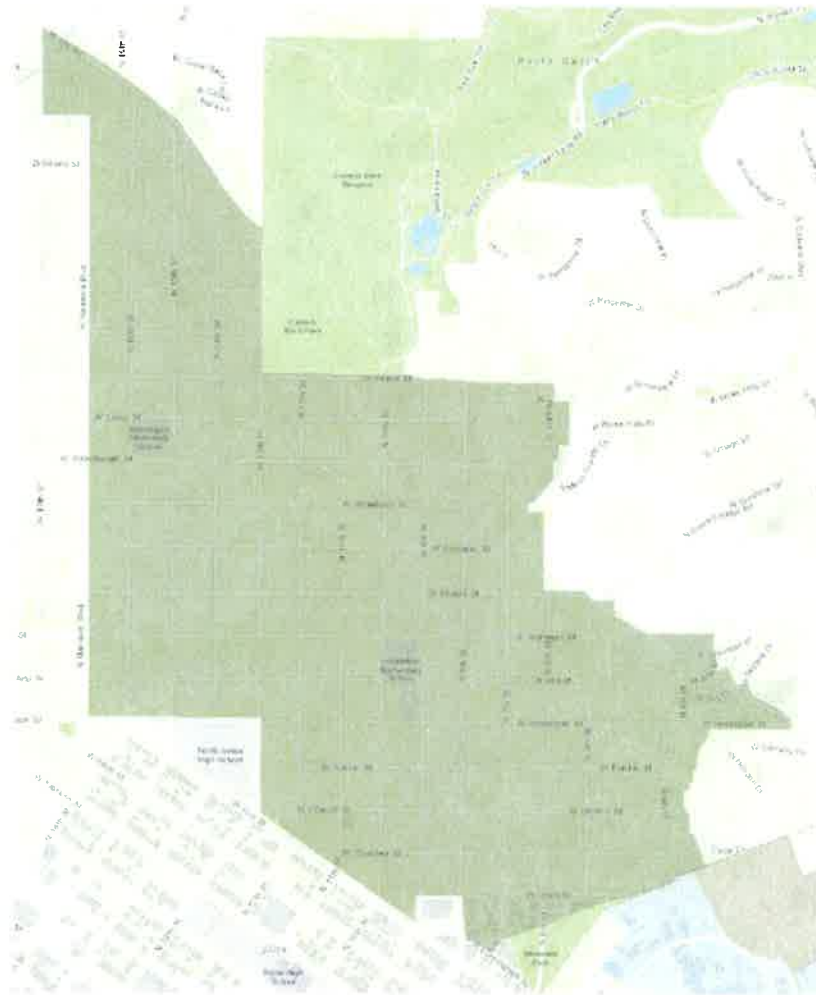


Figure 1 – SUEZ Irrigated Area, 385 acres total, within which 136.8 acres will be irrigated with the transferred water right No. 63-123F.



APPENDIX A

SAMPLE GRID IRRIGATED AREA CALCULATION

1. A 2.3 acre grid square was created
2. 5 sample sites of 2.3 acres each were randomly selected in Boise's North End area.
3. Ortho photos from 2013 (flown in fall or spring) show a clearer view of ground cover without tree leaves present than ESRI-produced USA NAIP imagery NDVI layer from 2017. We used the 2013 imagery for this calculation since it did not include as much tree cover.
4. The images were manually assessed and we covered the grass/irrigable areas with a vibrant green color.
5. A color summarizer on the web was used to calculate areas of different colors, <http://mkweb.bogsc.ca/color-summarizer/?home>
6. The 5 grid squares analyzed are included on the following pages.
7. Average irrigated percentage calculated from the 5 random grid squares is approximately 36%.

Sample Grid	Irrigated Percentage
First Sample Grid	32.5%
Second Sample Grid	38.6%
Third Sample Grid	33.7%
Fourth Sample Grid	36.3%
Fifth Sample Grid	37.5%
Average	35.7%

First Sample Grid – 32.5% Irrigated Area



Second Sample Grid – 38.6% Irrigated Area

IMAGE COLOR SUMMARY



THE IMAGE IN WORDS
akarna ash bandicoot biscuit chain charleston cliffhanger climate cloud cornsilk cotton cougar cragpleum dark double eighth element emerald evolution fimo forest friar fruit granite gravel green grey grullo half haze heavy hula isosonic karuna killarney light mandrake mangrove medium merlin metal mist modular napa nocturnal nullarbor oil oilskin olive pasifika pastel pewter puster prairie pure quarter reaction relic rock rouseburn salad sandcastle seed sisk stonehenge style swamp tapa tea touchstone transporter tripla truffles volcanic woodsmoke yellow

COLOR CLUSTERS

Colors in the image were clustered into 10 groups (k-means). The average color of the colors for each cluster is shown. The name is the closest named color and its distance is shown using ΔE. The tags are the set of words formed by all named neighbours within ΔE. The list of words above is the set of all unique words in this set of words.

Cluster colors, sized by number of pixels

cluster	pixels	name	ΔE	RGB	HSV	LCM	tags
1	37,985	green	10.0	40,450, 50, 100	100, 95, 50	100, 95, 50	green, grass, forest
2	14,155	dark green	10.0	40,450, 50, 100	100, 95, 50	100, 95, 50	dark green, forest, grass, field
3	10,141	light green	10.0	40,450, 50, 100	100, 95, 50	100, 95, 50	light green, forest, grass, field
4	10,141	light green	10.0	40,450, 50, 100	100, 95, 50	100, 95, 50	light green, forest, grass, field
5	10,141	light green	10.0	40,450, 50, 100	100, 95, 50	100, 95, 50	light green, forest, grass, field
6	10,141	light green	10.0	40,450, 50, 100	100, 95, 50	100, 95, 50	light green, forest, grass, field
7	10,141	light green	10.0	40,450, 50, 100	100, 95, 50	100, 95, 50	light green, forest, grass, field
8	10,141	light green	10.0	40,450, 50, 100	100, 95, 50	100, 95, 50	light green, forest, grass, field
9	10,141	light green	10.0	40,450, 50, 100	100, 95, 50	100, 95, 50	light green, forest, grass, field
10	10,141	light green	10.0	40,450, 50, 100	100, 95, 50	100, 95, 50	light green, forest, grass, field

Third Sample Grid – 33.7% Irrigated Area

IMAGE COLOR SUMMARY



THE SALES BY WORDS
 aquashield arrowtown ash black
 bunker cement charleston cornell
 cougar cragieburs dark deep
 double dragon eighth element
 equilibrium evolution flinger
 foundry four four granite grass
 green grey half hare feathered
 heavy hippie ironland ivory
 kangaroo karrens lemon light
 lighthouse linen mandrake masala
 medium metal millbrook mondo
 napa nero olive overland mystic
 pable pale pandika pastel pewter
 pointer pure quarry quarter quilt
 raptor relic salad sea space squall
 stone stonewall style synchronise
 talisman taya tea tirania
 transparent treetops triple truffle
 tustara white yellow

COLOR CLUSTERS

Colors in the image were clustered into 10 groups (clusters). The average color of the colors for each cluster is shown. The name is the closest named color and its distance is shown using ΔE. The tags are the set of words formed by all named neighbours within ΔE < 5. The list of words above is the set of all unique words in this set of words.

Cluster colors, sized by number of pixels:

cluster	pixels	name	HEX	R	G	B	H	S	V	LCH	Lab	tags	
1	25,171		#4A8B3E	76	139	62	35	97	71	47	31	42	dark green, green
2	12,295		#5D5A4D	93	92	79	45	73	38	33	33	33	dark brown, brown, olive, olive green, olive yellow
3	12,140		#4A8B3E	76	139	62	44	93	71	47	31	42	dark green, green, olive, olive green, olive yellow
4	11,845		#4A8B3E	76	139	62	40	93	71	47	31	42	dark green, green, olive, olive green, olive yellow
5	12,395		#4A8B3E	76	139	62	40	93	71	47	31	42	dark green, green, olive, olive green, olive yellow
6	8,351		#4A8B3E	76	139	62	40	93	71	47	31	42	dark green, green, olive, olive green, olive yellow
7	8,351		#4A8B3E	76	139	62	40	93	71	47	31	42	dark green, green, olive, olive green, olive yellow
8	8,351		#4A8B3E	76	139	62	40	93	71	47	31	42	dark green, green, olive, olive green, olive yellow
9	4,121		#4A8B3E	76	139	62	40	93	71	47	31	42	dark green, green, olive, olive green, olive yellow
10	4,121		#4A8B3E	76	139	62	40	93	71	47	31	42	dark green, green, olive, olive green, olive yellow

Fourth Sample Grid - 36.3% Irrigated Area

IMAGE COLOR SUMMARY



atrov-town ash asphalt bear
 brown-camato cabardian
 cliffhanger cloud cobblestone
 cotton-cougar craigcrump dark
 double-dragon egg eighth
 eternum-evaluation fern fear
 gagging granite green grey half
 heavy hydrop internet jungle
 karaka kailay maree malara
 malta mangrove marshland
 martin-moral mud-pipe milky
 modular monads mona napa
 nava-north-nickel norm
 number-nine outback pan-fish
 pastel peanor portland pranda
 quarry quarry rancor relic rock
 seed shadow seva stone
 stone-hill style synchronous
 tallman tea touchstone
 transporter trepoets triple
 truffe volcano wheat wheat white

COLD CHLUSTERS

Colors in the image were clustered into 10 groups (1-means). The average color of the colors for each cluster is shown. The name is the closest named color and its distance is shown using ΔE . The tags are the set of words formed by all named neighbors within ΔE .

Cluster colors, sized by number of pixels:

[illegible]

Fifth Sample Grid – 37.5% Irrigated Area

IMAGE COLOR SUMMARY



THE WORDS IN ORDER:
 army bandicoot bedrock black
 cobalt collector compass
 orangeburn dark dna double
 dragon dusty ephemer evolution
 fine plastered gnomes gravel
 green grey half haze heater
 homestead isometric karana
 killarney lunen medium
 millbrook mondo rape oil olive
 overland gravel power piston
 postcard prairie pure rayon
 rockpool robust sea slender aqua
 strong tallman tana tana sea
 terrain triple

LOW CLUSTERS

Colors in the image were clustered into 10 groups (clusters). The average color of the colors for each cluster is shown. The name is the cluster name and its distance is shown using ΔE. The tags are the set of words formed by all named neighbours within ΔE. The list of words above is the set of all unique words in this set of words.

Cluster colors, sized by number of pixels

Cluster	Color	Name	HEX	HEX	PSY	LCN	Lab	Tags
1		100% Green	#008000	0.0000	0.0000	0.0000	0.0000	green grass lawn
2		100% Brown	#8B4513	0.0000	0.0000	0.0000	0.0000	brown dirt road
3		100% Grey	#808080	0.0000	0.0000	0.0000	0.0000	grey asphalt
4		100% Dark Green	#006400	0.0000	0.0000	0.0000	0.0000	dark green lawn
5		100% Light Green	#90EE90	0.0000	0.0000	0.0000	0.0000	light green lawn
6		100% Dark Brown	#654321	0.0000	0.0000	0.0000	0.0000	dark brown dirt
7		100% Light Brown	#D2B48C	0.0000	0.0000	0.0000	0.0000	light brown dirt
8		100% Dark Grey	#333333	0.0000	0.0000	0.0000	0.0000	dark grey asphalt
9		100% Light Grey	#CCCCCC	0.0000	0.0000	0.0000	0.0000	light grey asphalt
10		100% White	#FFFFFF	0.0000	0.0000	0.0000	0.0000	white sky



APPENDIX B
DOMESTIC WELL CALCULATION

Well Search Results from IDWR Web Site:

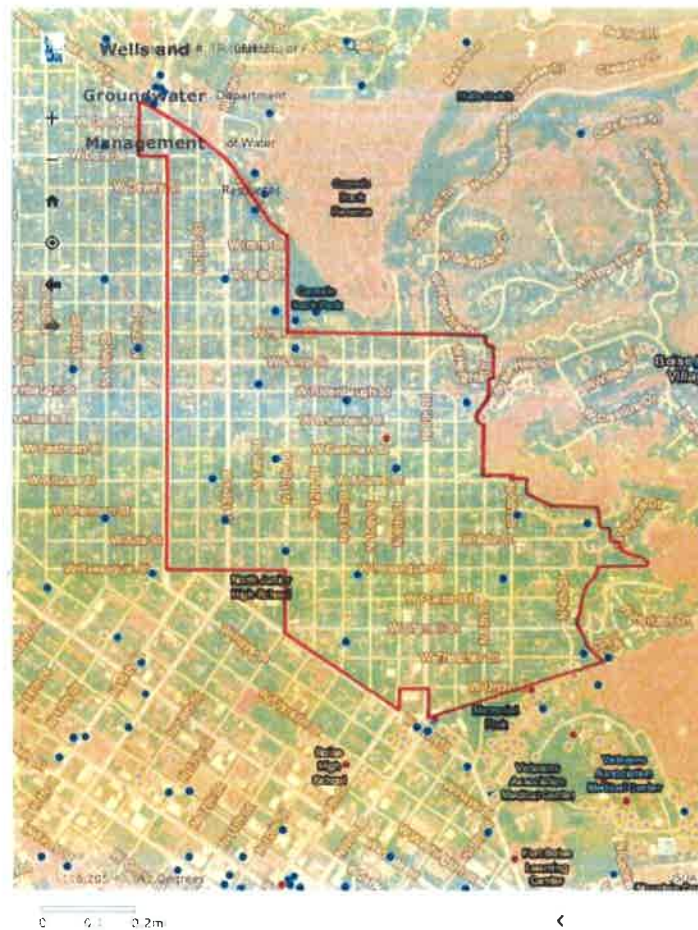


Figure B-1 – Well Search Results from IDWR Web Site and 385 Acre Area Containing 136.8 Acres to be Irrigated



1. 19 well locations found in IDWR's mapping system located within initial 380 acre area. See Figure B-1 above. The well logs are attached.
2. A total of 24 well logs linked to the 19 well locations.
 - 14 logs described domestic use.
 - 3 logs described irrigation use, only one of which (Brown) has an associated recorded irrigation water right (63-11609, addressed in Appendix C).
 - 1 log (Lunstrum) was for "yard" use.
 - 1 log (McLaughlin) was for "lawn" use.
 - 1 log (Mrs. Ralph Black) was a duplicate.
 - 1 log (Bill Cockerum) was for deepening an existing well.
 - 1 log (Rebeka Fredricks) was actually located outside the 380 acre area (in the NWNW of Sec. 3).
 - 1 log (Intermountain Gas) is a "Cathodic Protection Well" and not for domestic or irrigation use.
 - 1 log (Worbois) is an injection well and not for domestic or irrigation use.
3. Assumed the 14 domestic use wells, 2 irrigation wells (with no recorded water rights), 1 "yard" well, and 1 "lawn" well have associated unrecorded domestic water rights authorizing up to 0.5 acres of irrigation. Also assumed that each of these 18 wells irrigates only one lot.
4. Lots in the Boise North End average 0.2 acres total.
5. Irrigation of 18 lots with these private wells means that 3.6 acres must be excluded from the 380 acre area because those acres will not be served by the transferred water right no. 63-123F. To account for this, 3.6 acres must be added to the initial 380 acre area.

REPORT OF WELL DRILLER
State of Idaho

State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

WELL OWNER:
Name Mrs. Ralph B. Bick
Address 14th & Holla
Baile

Owner's Permit No. _____
NATURE OF WORK (check): Replacement well ☐
New well ☐ Deepened ☒ Abandoned ☐
Water is to be used for: domestic

METHOD OF CONSTRUCTION: Rotary ☐ Cable ☒
Dug ☐ Other _____ (explain)

CASING SCHEDULE: Threaded _____ Welded ☒
1 1/2" Diam. from 29 ft. to 145 ft.
"Diam. from _____ ft. to _____ ft.
"Diam. from _____ ft. to _____ ft.
"Diam. from _____ ft. to _____ ft.
Thickness of casing: .237 Material: _____

Steel ☒ concrete ☐ wood ☐ other ☐

(explain)
PERFORATED? Yes ☐ No ☒ Type of perforator used: _____

Size of perforations: _____" by _____"
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.

WAS SCREEN INSTALLED? Yes ☐ No ☐

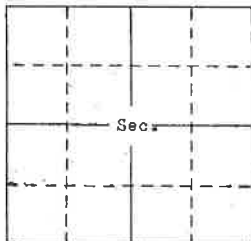
Manufacturer's name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

CONSTRUCTION: Well gravel packed? Yes ☐
No. ☐ size of gravel _____ Gravel placed from _____ ft. to _____ ft. Surface seal provided? Yes ☐ No ☐ To what depth? _____ ft. Material used in seal: _____

Did any strata contain unusable water? Yes ☐
No. ☒ Type of water: _____
Depth of strata _____ ft. Method of sealing strata off: _____

Surface casing used? Yes ☐ No. ☒
Cemented in place? Yes ☐ No ☒

Locate well in section



LOCATION OF WELL: County Ada
SE 1/4 31N 4 Sec. 34 T. 4 N. R. 2 E. W

Use other side for additional remarks

Size of drilled hole: 4" Total depth of well: 163' Standing water level below ground: 32' Temp. Fahr. _____ Test delivery: 20 gpm or _____ cfs Pump? ☐ Bail ☐ Size of pump and motor used to make test: Compressor 100'
Length of time of test: _____ Hrs. _____ Min.
Drawdown: 6 ft. Artesian pressure: ft. above land surface Give flow _____ cfs or _____ gpm. Shutoff pressure: _____
Controlled by: Valve ☐ Cap ☐ Plug ☐
No control ☐ Does well leak around casing? Yes ☐ No ☐

DEPTH MATERIAL 041536 WATER FROM TO FEET FEET YES OR NO

DEPTH	MATERIAL	041536	WATER
FROM	TO	FEET	FEET
39	52	mudstone and gravel	X
53	115	" " " "	
115	151	clay	
131	152	clay	
152	155	clay	
155	156	sand & gravel	X
156	163	water table	X

Work started: Sept. 1, 1968
Work finished: Sept. 1, 1968
Well Driller's Statement: This well was drilled under my supervision and this report is true to the best of my knowledge.
Name: Robert B. Bick
Address: 14th & Holla, Baile
Signed by: _____
License No. 32 Date: Sept. 1, 1968

REPORT OF WELL DRILLER
State of Idaho

*Received
1-30-68
Dist 8 Bulelinton*

State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

WELL OWNER:
Name Mrs. Ralph Black
Address 14th & Bella
Bonne, Idaho

Owner's Permit No. _____
NATURE OF WORK (check): Replacement well ☐
New well ☐ Deepened ☒ Abandoned ☐
Water is to be used for: domestic

METHOD OF CONSTRUCTION: Rotary ☐ Cable ☒
Dug ☐ Other _____ (explain)

CASING SCHEDULE: Threaded _____ Welded ☒
4" Diam. from 39 ft. to 149 ft.
"Diam. from _____ ft. to _____ ft.
"Diam. from _____ ft. to _____ ft.
"Diam. from _____ ft. to _____ ft.
Thickness of casing: .237 Material: _____
Steel ☒ concrete ☐ wood ☐ other ☐

(explain)
PERFORATED? Yes ☐ No ☒ Type of perforator used: _____

Size of perforations: _____ " by _____ "
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.

WAS SCREEN INSTALLED? Yes ☐ No ☐

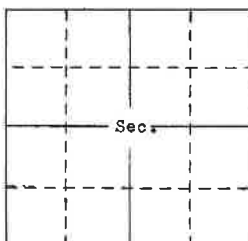
Manufacturer's name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

CONSTRUCTION: Well gravel packed? Yes ☐
No ☐ size of gravel _____ Gravel placed from _____ ft. to _____ ft. Surface seal provided? Yes ☐ No ☐ To what depth? _____ ft. Material used in seal: _____

Did any strata contain unusable water? Yes ☐
No ☒ Type of water: _____
Depth of strata _____ ft. Method of sealing strata off: _____

Surface casing used? Yes ☐ No ☒
Cemented in place? Yes ☐ No ☒

Locate well in section



LOCATION OF WELL: County Ada
SE 1/4 SW 1/4 Sec. 34 T. 4 N. R. 2 E.

Use other side for additional remarks

Size of drilled hole: 4" Total depth of well: 163' Standing water level below ground: 30' Temp. Fahr. _____ Test delivery: 20 gpm or cfs Pump? ☐ Bail ☐
Size of pump and motor used to make test: compressor test
Length of time of test: one Hrs. Min.
Drawdown: 6 ft. Artesian pressure: ft. above land surface Give flow cfs or gpm. Shutoff pressure: _____
Controlled by: Valve ☐ Cap ☐ Plug ☐
No control ☐ Does well leak around casing? Yes ☐ No ☐

DEPTH	MATERIAL	WATER
FROM TO		YES OR NO
FEET FEET		
39 158	muddy sand & gravel	X
58 145	" "	X
145 151	shale	X
151 152	sand	X
152 155	shale	X
155 156	sand opening	X
156 163	yellow clay	X

Work started: Dec. 5-1967
Work finished: Jan. 12-1968
Well Driller's Statement: This well was drilled under my supervision and this report is true to the best of my knowledge.
Name: Ernest Kelsey
Address: R#1 - Star, Ida.
Signed by: _____
License No. 39 Date: Jan. 29-1968

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESUSE TYPEWRITER OR
BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>LYNN A. BROWN</u> Address <u>2305 N. 14 ST</u> Drilling Permit No. <u>63-90-2-736</u> Water Right Permit No. _____	7. WATER LEVEL Static water level <u>34</u> feet below land surface. Flowing? ☐ Yes ☐ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ °F. Quality _____ Describe artesian or temperature zones below																																																																						
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Well diameter increase ☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)	8. WELL TEST DATA ☐ Pump ☒ Bailor ☒ Air ☐ Other _____ <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> <tr> <td><u>AIR LIFT 50 GPM</u></td> <td><u>120'</u></td> <td><u>2 1/2</u></td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped	<u>AIR LIFT 50 GPM</u>	<u>120'</u>	<u>2 1/2</u>																																																																
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3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)	9. LITHOLOGIC LOG <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Bore Diam.</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th colspan="2">Water</th> </tr> <tr> <th>From</th> <th>To</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td><u>6</u></td> <td><u>0</u></td> <td><u>5</u></td> <td><u>TOP SOIL</u></td> <td></td> <td></td> </tr> <tr> <td></td> <td><u>5</u></td> <td><u>28</u></td> <td><u>SANDY SOIL</u></td> <td></td> <td></td> </tr> <tr> <td></td> <td><u>28</u></td> <td><u>32</u></td> <td><u>SANDY GRAY CLAY</u></td> <td></td> <td></td> </tr> <tr> <td></td> <td><u>32</u></td> <td><u>65</u></td> <td><u>GRAY SAND SOME GRAVEL</u></td> <td></td> <td></td> </tr> <tr> <td></td> <td><u>65</u></td> <td><u>86</u></td> <td><u>BROWN SAND SOME GRAVEL</u></td> <td></td> <td></td> </tr> <tr> <td></td> <td><u>86</u></td> <td><u>99</u></td> <td><u>SANDY GRAY CLAY</u></td> <td></td> <td></td> </tr> <tr> <td></td> <td><u>99</u></td> <td><u>120</u></td> <td><u>FINE SAND & SOME GRAVEL</u></td> <td></td> <td></td> </tr> <tr> <td></td> <td><u>120</u></td> <td></td> <td><u>SANDY GRAY CLAY</u></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td><u>FINE SAND WITH SOME</u></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td><u>PEA GRAVEL</u></td> <td></td> <td></td> </tr> </tbody> </table>	Bore Diam.	Depth		Material	Water		From	To	Yes	No	<u>6</u>	<u>0</u>	<u>5</u>	<u>TOP SOIL</u>				<u>5</u>	<u>28</u>	<u>SANDY SOIL</u>				<u>28</u>	<u>32</u>	<u>SANDY GRAY CLAY</u>				<u>32</u>	<u>65</u>	<u>GRAY SAND SOME GRAVEL</u>				<u>65</u>	<u>86</u>	<u>BROWN SAND SOME GRAVEL</u>				<u>86</u>	<u>99</u>	<u>SANDY GRAY CLAY</u>				<u>99</u>	<u>120</u>	<u>FINE SAND & SOME GRAVEL</u>				<u>120</u>		<u>SANDY GRAY CLAY</u>						<u>FINE SAND WITH SOME</u>						<u>PEA GRAVEL</u>		
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4. METHOD DRILLED ☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☒ Cable ☐ Dug ☐ Other _____																																																																							
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>1.50</u> inches</td> <td><u>6</u> inches</td> <td><u>1</u> feet</td> <td><u>117.8</u> feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> </tbody> </table> Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun Size of perforation _____ inches by _____ inches Number _____ From _____ To _____ _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>20</u> Material used in seal: ☐ Cement grout ☐ Bentonite ☒ Puddling clay ☐ _____ Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth ☐ Welded ☐ Solvent ☐ Weld ☐ Cemented between strata Describe access port _____	Thickness	Diameter	From	To	<u>1.50</u> inches	<u>6</u> inches	<u>1</u> feet	<u>117.8</u> feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet																																																			
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_____ inches	_____ inches	_____ feet	_____ feet																																																																				
6. LOCATION OF WELL Sketch map location must agree with written location. Subdivision Name <u>BLAIR</u> <u>SUB.</u> Lot No. <u>11</u> Block No. _____ County <u>ADA</u> NE 1/4 SW 1/4 Sec. <u>34</u> T. <u>4</u> S. R. <u>2</u> E.	10. Work started <u>2/21/91</u> finished <u>3/1/91</u>																																																																						
11. DRILLERS CERTIFICATION <u>de</u> I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>Boise Valley Pump & Drill Inc.</u> Firm No. <u>207</u> Address <u>2450 S GARDEN</u> Date <u>3/5/91</u> Signed by (Firm Official) <u>Ron R. Murphy</u> and (Operator) <u>Ron R. Murphy</u>																																																																							

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

State of Idaho
Department of Water Administration
WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

Received
1-3-73
WMA

[illegible]



State of Idaho
Department of Water Administration

WELL DRILLER'S REPORT

3 RECEIVED
JUL 6 1977

State law requires that this report be filed with the Director, Department of Water Administration within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Bill Cochran</u> Address <u>2511 Inglerwood Rd. Boise</u> Owner's Permit No. <u>Ida</u>		7. WATER LEVEL Static water level <u>33'-7"</u> feet below land surface Flowing? ☐ Yes ☒ No G.P.M. flow _____ Temperature _____ ° F. Quality _____ Artesian closed-in pressure _____ p.s.i. Controlled by ☐ Valve ☐ Cap ☐ Plug																																																																																																																													
2. NATURE OF WORK <u>Well on N.-13th St.</u> ☐ New well ☒ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning)		8. WELL TEST DATA ☒ Pump ☐ Bailer ☐ Other Discharge G.P.M. <u>36</u> Draw Down <u>32'</u> Hours Pumped <u>48</u>																																																																																																																													
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SUBMIT WITHIN 30 DAYS AFTER COMPLETION OF WELL; SEE IDAHO STATUTES 42-238

Casing over 12" in diameter

Date of commencement of well Jan 18 - 1965 Date of completion of well Jan. 27 - 1965
SWNW 5.2 3N 2E

[illegible]

This well was drilled under my supervision and the above information is complete, true and correct to the best of my knowledge and belief.

By

Dated

License No. 256

Well Driller's Helper

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

1. WELL TAG NO. D 0064334

Drilling Permit No. 0187025-868100
Water right or injection well # _____

2. OWNER

Name Flynnner, Scott
Address 633 N. 14th St
City Boise State ID Zip 83702

3. WELL LOCATION:

Twp. 3 North ☒ or South ☐ Rge. 2 East ☒ or West ☐
Sec. 3 1/4 SW 1/4 NE 1/4
Gov't Lot _____ County Ada
Lat. 43 ° 37.584 (Deg. and Decimal minutes)
Long. 116 ° 12.019 (Deg. and Decimal minutes)
Address of Well Site 2001 10th St. City Boise

Section 16 of Idaho Code of 1986 - Distances to Road or Landmark

Lot _____ Blk _____ Sub. Name _____

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation ☐ Thermal ☐ Injection
☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Replacement well ☐ Modify existing well
☐ Abandonment ☐ Other _____

6. DRILL METHOD:

☒ Air Rotary ☐ Mud Rotary ☐ Cable ☐ Other _____

7. SEALING PROCEDURES

Seal material	From (ft)	To (ft)	Quantity (lbs or ft ³)	Placement method/procedure
Med Chips	0	48	23 Bags	Poured

8. CASING/LINER:

Diameter (nominal)	From (ft)	To (ft)	Gauge/Schedule	Material	Casing	Liner	Threaded	Welded
6"	+2	108	.250	Steel	☒	☐	☐	☒

Was drive shoe used? ☒ Y ☒ N Shoe Depth(s) 108'

9. PERFORATIONS/SCREENS:

Perforations ☐ Y ☒ N Method _____
Manufactured screen ☒ Y ☐ N Type Johnson
Method of installation Set In

From (ft)	To (ft)	Slot size	Number/ft	Diameter (nominal)	Material	Gauge or Schedule
110	120	20		5"	Stainless	304

Length of Headpipe 4' Length of Tailpipe 3'
Packer ☒ Y ☐ N Type K-Packer

10. FILTER PACK:

Filter Material	From (ft)	To (ft)	Quantity (lbs or ft ³)	Placement method
-----------------	-----------	---------	------------------------------------	------------------

11. FLOWING ARTESIAN:

Flowing Artesian? ☐ Y ☒ N Artesian Pressure (PSIG) _____
Describe control device _____

12. STATIC WATER LEVEL and WELL TESTS:

Depth first water encountered (ft) 45' Static water level (ft) 45'
Water temp. (°F) 58 Bottom hole temp. (°F) 58
Describe access port Sanitary Well Cap

Well test:			Test method:			
Drawdown (feet)	Discharge or yield (gpm)	Test duration (minutes)	Pump	Boiler	Air	Flowing artesian
65	75	30	☐	☐	☒	☐

Water Quality test or comments:

13. LITHOLOGIC LOG and/or repairs or abandonment:

Bore Dia (in)	From (ft)	To (ft)	Remarks, lithology or description of repairs or abandonment, water temp.	Water Y	N
10"	0	2	Top Soil		X
10"	2	10	Black Clay		X
10"	10	40	Brown Clay		X
10"	40	45	Coarse Sand	X	
10"	45	48	Brown Clay		X
6"	48	85	Gravel	X	
6"	85	110	Clay		X
6"	110	120	Coarse Sand	X	
6"	120	123	Blue Clay		X

RECEIVED

APR 15 2013

WATER RESOURCES
WESTERN REGION

Completed Depth (Measurable) 123'
Date: Started 3/29/2013 Completed 4/2/2013

14. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Can-Ada Well & Pump Co. Co. No. 304

*Principal Driller Earl Skinner Date 4/11/2013

*Driller _____ Date _____

*Operator II Brad Skinner Date 4/11/2013

Operator I _____ Date _____

* Signature of Principal Driller and rig operator are required.

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Rebekah Fredricks</u> Address <u>Boise, ID</u> Owner's Permit No. <u>63-68-W-028</u>	7. WATER LEVEL Static water level <u>30</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ °F, Quality _____ <i>Describe artesian or temperature zones below.</i>																																
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)	8. WELL TEST DATA ☐ Pump ☐ Bailor ☒ Air ☐ Other _____ <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> </thead> <tbody> <tr> <td align="center"><u>25</u></td> <td></td> <td align="center"><u>2</u></td> </tr> </tbody> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped	<u>25</u>		<u>2</u>																										
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USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

USE TYPEWRITER OR
BALL POINT PEN

State of Idaho
Department of Water Resources

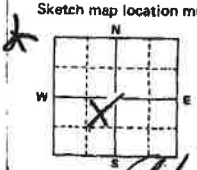
WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water
days after the completion or abandonment of the well.

Location Corrected by IDWR To:

T04N R02E Sec. 34 SESESW

By: mciscell 2012-08-28

1. WELL OWNER Name <u>Speed Barrett</u> Address <u>Bosse, Idaho</u> Owner's Permit No. _____		7. WATER LEVEL Static water level <u>40</u> feet below land surface Flowing? ☐ Yes ☒ No G.P.M. flow _____ Temperature _____ F. Quality _____ Artesian closed-in pressure _____ p.s.i. Controlled by ☐ Valve ☐ Cap ☐ Plug																																																					
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5. WELL CONSTRUCTION Diameter of hole <u>6</u> inches Total depth <u>76</u> feet Casing schedule: ☒ Steel ☐ Concrete Thickness <u>250</u> inches Diameter <u>6</u> inches From <u>1</u> feet To <u>70</u> feet Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches Number _____ From _____ To _____ _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>20'</u> Material used in seal ☐ Cement grout ☐ Pudding clay ☒ Well cuttings Sealing procedure used ☐ Sherry pit ☐ Temporary surface casing ☒ Overbore to seal depth																																																							
6. LOCATION OF WELL Sketch map location must agree with written location.  Submission Name <u>1301 Hazel St.</u> Lot No. _____ Block No. _____ County <u>Ada</u> T. <u>4</u> N. <u>2</u> E. <u>34</u>																																																							
10. Work started <u>6/12/78</u> finished <u>6/14/78</u>				11. DRILLERS CERTIFICATION Firm Name <u>Went Skinner</u> Address <u>2305 Canby Dr.</u> Signed by (Firm Official) <u>Frank Skinner</u> and (Operator) <u>Kenneth E. Smith</u>																																																			

USE ADDITIONAL SHEETS IF NECESSARY FORWARD THE WHITE COPY TO THE DEPARTMENT

047882

**WELL LOG AND REPORT TO THE
STATE RECLAMATION ENGINEER OF IDAHO**

Log No. **RECEIVED**
 Rec. **19**
AUG 3 1954
 Well No. _____
 Department of Reclamation
 Permit No. _____

(DO NOT FILL IN)

Owner Mrs. Girard Driller Jesse J. Doty
 Address 5th & Resique Sts 1319 Address Route 3 Boise Lic. No. 40
 Location of Well: Sec. 3, T. 2 N. R. 2 E. W. 4 ada County.
 and _____ feet N/S, and _____ feet E/W from _____ corner of _____ 1/4 Sec.
 Water will be used for irrigation Total depth of well 43 ft.
 Size of drilled hole 4" Weight of casing per linear foot 10.88
 Thickness of casing 1/4" Casing material steel
 e.g., pipe, concrete, wood.
 Diameter, length and location of casing 42'-8" length casing
 (Casing 12" in diameter and under give inside diameter; casing over 12" in diameter give outside diameter.)
 Number and size of perforations _____ located _____ feet to _____ feet
 from surface of ground.
 Other perforations: _____
 If flowing well, give flow in c.f.s. _____ or g.p.m. _____ and shut in pressure _____
 If non-flowing well, give depth of standing water from surface 15'
 If flowing well, describe control works _____
 (Type and size of valve, etc.)
 On pumping test delivery was 2.5 g.p.m. or _____ c.f.s. Drawdown was less than 20 ft. feet
 Length of time pumped during check was 4 hr. _____ min. Water temp. _____ ° Fahrenheit.
 Date of commencement of well July 7-53 Date of completion of well July 10-53
 Type of well rig 71 speed Star

CASING RECORD

Diam. Casing	From Foot	To Foot	Length	Remarks - Seals, Grouting, Etc.
<u>4"</u>	<u>0</u>	<u>42-8</u>		

GENERAL INFORMATION - Pumping Test, Quality of Water, Etc.

S. 3 3N 2E

SEALING
FOUNDA

9

[illegible]

This well was drilled under my jurisdiction and the above information is true and correct to the best of my knowledge and belief.

Signed Jesse J. Long
By _____

By _____

License No. 40

Dated _____, 19____

Subscribed and sworn before me this _____ day of _____, 19____

Notary Public

My commission expires.

Residing at

[illegible]

Form 238-7
6/07

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

1. WELL TAG NO. D 0063854

Drilling Permit No. 915144-863768

Water right or injection well #

2. OWNER

Name Intermountain Gas Company

Address P O Box 7608

City Boise

State ID

Zip 83707

3. WELL LOCATION:

Twp. 3 North ☒ or South ☐ Rge. 2 East ☒ or West ☐

Sec. 3 1/4 NW 1/4 SE 1/4

Gov't Lot County Ada

Lat. 43 ° 37.389 (Deg. and Decimal minutes)

Long. 116 ° 12.100 (Deg. and Decimal minutes)

Address of Well Site In alley btwn 11th & 12th and Fort & hays

City Boise

Lot. Blk. Sub. Name

4. USE:

☐ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation ☐ Thermal ☐ Injection

☒ Other Cathodic Protection Well

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Replacement well ☐ Modify existing well

☐ Abandonment ☐ Other

6. DRILL METHOD:

☒ Air Rotary ☐ Mud Rotary ☐ Cable ☐ Other

7. SEALING PROCEDURES

Seal material	From (ft)	To (ft)	Quantity (lbs or ft³)	Placement method/procedure
bentonite	0'	60'	1,800 lbs	poured & tagged
chips				

8. CASING/LINER:

Diameter (nominal)	From (ft)	To (ft)	Gauge/Schedule	Material	Casing	Liner	Threaded	Welded
8"	+1'	8'	.250	steel	☒	☐	☐	☐
8"	8'	50'	PVC	SDR-17	☒	☐	☐	☐
8"	50'	151'	steel		☒	☐	☐	☒

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 151

9. PERFORATIONS/SCREENS:

Perforations ☐ Y ☒ N Method

Manufactured screen ☐ Y ☒ N Type

Method of installation

From (ft)	To (ft)	Slot size	Number/ft	Diameter (nominal)	Material	Gauge or Schedule

Length of Headpipe Length of Tailpipe

Packer ☐ Y ☐ N Type

10. FILTER PACK:

Filter Material	From (ft)	To (ft)	Quantity (lbs or ft³)	Placement method

11. FLOWING ARTESIAN:

Flowing Artesian? ☐ Y ☐ N Artesian Pressure (PSIG)

Describe control device

12. STATIC WATER LEVEL and WELL TESTS:

Depth first water encountered (ft) 14 Static water level (ft) 25

Water temp. (°F) Bottom hole temp. (°F)

Describe access port

Well test:			Test method:			
Drawdown (feet)	Discharge or yield (gpm)	Test duration (minutes)	Pump	Bailer	Air	Flowing artesian
125	25	30	☐	☐	☒	☐

Water Quality test or comments:

13. LITHOLOGIC LOG and/or repairs or abandonment:

Bore Dia. (in)	From (ft)	To (ft)	Remarks, lithology or description of repairs or abandonment, water temp.	Water	
12"	0'	1'	top soil	Y	N
12"	1'	3'	brown sand		X
12"	3'	7'	brown clay		X
12"	7'	14'	sand coarse		X
12"	14'	44'	sand & gravel		X
12"	44'	46'	clay brown	X	
12"	46'	60'	sand & gravel	X	
8"	60'	71'	sand & gravel	X	
8"	71'	74'	brown clay		X
8"	74'	75'	brown sand	X	
8"	75'	102'	gray clay with hard strips		X
8"	102'	108'	cracks with white & gray sand	X	
8"	108'	115'	hard gray clay		X
8"	115'	121'	cracks with white gray sand	X	
8"	121'	133'	hard gray clay		X
8"	133'	137'	cracks with white gray sand	X	
8"	137'	150'	hard gray clay		X
8"	150'	151'	cracks	X	

Completed Depth (Measurable) 150

Date: Started 7-16-12 Completed 7-20-12

14. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Down Right Drilling & Pump, Inc Co. No. 637

*Principal Driller Date 7-23-12

*Driller Date

*Operator II Date 7-23-12

Operator Date

* Signature of Principal Driller and rig operator are required.

USE TYPEWRITER OR
BALL POINT PEN

State of Idaho
Department of Water Administration
WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer
within 30 days after completion or abandonment of the well.

RECEIVED
AUG 1971

1. WELL OWNER Name <u>Albert Lewis con.</u> Address _____ Owner's Permit No. _____		7. WATER LEVEL Static water level <u>2.5</u> feet below land surface Flowing? ☐ Yes ☒ No G.P.M. flow _____ Temperature _____ ° F. Quality _____ Artesian closed-in pressure _____ p.s.i. Controlled by ☐ Valve ☐ Cap ☐ Plug																																			
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____		8. WELL TEST DATA ☐ Pump ☒ Baller ☐ Other Discharge G.P.M. <u>1.5</u> Draw Down <u>0</u> Hours Pumped _____ <u>39585</u>																																			
3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock		9. LITHOLOGIC LOG <table border="1"><thead><tr><th rowspan="2">Hole Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>6"</td><td>0</td><td>6</td><td>TOP SOIL</td><td></td><td></td></tr><tr><td>6"</td><td>6</td><td>32</td><td>CEMENTED GRAVEL</td><td></td><td></td></tr><tr><td>6"</td><td>32</td><td>52</td><td>CLAY</td><td></td><td></td></tr><tr><td>6"</td><td>52</td><td>61</td><td>PCA GRAVEL SAND</td><td></td><td></td></tr></tbody></table>		Hole Diam.	Depth		Material	Water		From	To	Yes	No	6"	0	6	TOP SOIL			6"	6	32	CEMENTED GRAVEL			6"	32	52	CLAY			6"	52	61	PCA GRAVEL SAND		
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6"	32	52	CLAY																																		
6"	52	61	PCA GRAVEL SAND																																		
4. METHOD DRILLED ☒ Cable ☐ Rotary ☐ Dug ☐ Other _____																																					
5. WELL CONSTRUCTION Diameter of hole <u>6</u> inches Total depth <u>61</u> feet Casing schedule: ☒ Steel ☐ Concrete <table border="1"><thead><tr><th>Thickness</th><th>Diameter</th><th>From</th><th>To</th></tr></thead><tbody><tr><td><u>2.50</u> inches</td><td><u>2.50</u> inches</td><td><u>1</u> feet</td><td><u>61</u> feet</td></tr><tr><td>_____ inches</td><td>_____ inches</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ inches</td><td>_____ inches</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ inches</td><td>_____ inches</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ inches</td><td>_____ inches</td><td>_____ feet</td><td>_____ feet</td></tr></tbody></table> Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches <table border="1"><thead><tr><th>Number</th><th>From</th><th>To</th></tr></thead><tbody><tr><td>_____ perforations</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ perforations</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ perforations</td><td>_____ feet</td><td>_____ feet</td></tr></tbody></table> Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No Size of gravel _____ Placed from _____ feet to _____ feet Surface seal? ☒ Yes ☐ No To what depth <u>32</u> feet Material used in seal ☐ Cement grout ☒ Puddling clay		Thickness	Diameter	From	To	<u>2.50</u> inches	<u>2.50</u> inches	<u>1</u> feet	<u>61</u> feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	Number	From	To	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet
Thickness	Diameter	From	To																																		
<u>2.50</u> inches	<u>2.50</u> inches	<u>1</u> feet	<u>61</u> feet																																		
_____ inches	_____ inches	_____ feet	_____ feet																																		
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_____ perforations	_____ feet	_____ feet																																			
6. LOCATION OF WELL Sketch map location must agree with written location. County <u>ADA</u> <u>SE 1/4 Sec. 34, T. 4 N, R. 2 E</u>		10. Work started <u>7/12/71</u> finished <u>7/12/71</u>																																			
		11. DRILLER'S CERTIFICATION This well was drilled under my supervision and this report is true to the best of my knowledge. <u>Manhart Well Drilling</u> Number <u>201</u> <u>823 Caldwell St.</u> <u>83605</u> Address <u>Dale J. Manhart</u> <u>8/6/71</u> Signed By _____ Date _____																																			

USE ADDITIONAL SHEETS IF NECESSARY

FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT

Received
10-9-66
Post of Burlington
the State Reclamation

e well. P

Size of drilled hole: 6 Total
depth of well: 50 Standing water
level below ground: 25.8" Temp.
Fahr. * Test delivery: 25 gpm
or cfs Pump? ☐ Ball ☐
Size of pump and motor used to make test:
Comp. 2.0 c.f.
Length of time of test: One Hrs. 10 Min.
Drawdown: 5 ft. Artesian pressure: ft.
above land surface Give flow cfs
or gpm. Shutoff pressure:
Controlled by: Valve ☐ Cap ☐ Plug ☐
No control ☐ Does well leak around casing?
Yes ☐ No ☐
DEPTH MATERIAL 038433 WATER
FROM TO YES OR NO

[illegible]

Work started: July 20, 1968
Work finished: July 23, 1968
Well Driller's Statement: This well was drilled under my supervision and this report is true to the best of my knowledge.
Name: Eugene J. [Signature]
Address: 1000 [Signature]
Signed by: _____
License No. 330 Date: July 23, 1968

1

additional remarks

1900

USGS**TEST FOR HEARING (10/22/2020)**

Page 12

REPORT OF WELL DRILLER
State of Idaho

RECEIVED
MAY 31 1967

Department of Reclamation

State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

WELL OWNER:
Name M. W. McLaughlin
Address 1418 - W. 2nd St. Boise, Idaho

Owner's Permit No. _____
NATURE OF WORK (check): Replacement well ☐
New well ☒ Deepened ☐ Abandoned ☐

Water is to be used for: Lawn

METHOD OF CONSTRUCTION: Rotary ☐ Cable ☒
Dug ☐ Other _____

(explain)
CASING SCHEDULE: Threaded _____ Welded ☒

"Diam. from 0' ft. to 40' ft.
"Diam. from _____ ft. to _____ ft.
"Diam. from _____ ft. to _____ ft.
"Diam. from _____ ft. to _____ ft.
Thickness of casing: 232 Material: _____

Steel ☒ concrete ☐ wood ☐ other ☐

(explain)
PERFORATED? Yes ☐ No ☒ Type of perforator used: _____

Size of perforations: _____ " by _____ "
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.

WAS SCREEN INSTALLED? Yes ☐ No ☒

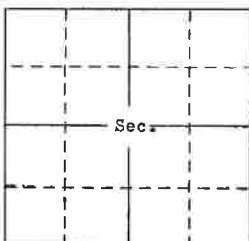
Manufacturer's name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

CONSTRUCTION: Well gravel packed? Yes ☐
No ☒ size of gravel _____ Gravel placed from _____ ft. to _____ ft. Surface seal provided? Yes ☐ No ☒ To what depth? _____ ft. Material used in seal: _____

Did any strata contain unusable water? Yes ☐
No ☒ Type of water: _____
Depth of strata _____ ft. Method of sealing strata off: _____

Surface casing used? Yes ☐ No ☒
Cemented in place? Yes ☐ No ☒

Locate well in section



LOCATION OF WELL: County Ada
NE 1/4 Sec. 3 T. 3 N. R. 2 E

Size of drilled hole: 4 " Total depth of well: 40 " Standing water level below ground: 18 " Temp. Fahr. 50 ° Test delivery: 35 gpm or _____ cfs Pump? ☐ Bail ☐
Size of pump and motor used to make test: Compressor test
Length of time of test: 2 Hrs. 0 Min.
Drawdown: 5 ft. Artesian pressure: ft. above land surface Give flow _____ cfs or _____ gpm. Shutoff pressure: _____
Controlled by: Valve ☐ Cap ☐ Plug ☐
No control ☐ Does well leak around casing? Yes ☐ No ☐

DEPTH MATERIAL 404211

FROM TO YES OR NO

FEET	FEET		YES OR NO
0	2	top soil	
2	18	sand	X
18	24	sand	
24	40	gravel	X

Work started: May 24 - 1967
Work finished: May 24 - 1967
Well Driller's Statement: This well was drilled under my supervision and this report is true to the best of my knowledge.
Name: Ernest Kelsky
Address: Rt 1 Star, Idaho
Signed by: _____
License No. 39 Date: May 30 - 1967

Use other side for additional remarks

USGS

REPORT OF WELL DRILLER
State of Idaho

Location Corrected by IDWR To:
T03N R02E Sec. 3 NESWNE
By: mciscell 2012-09-06

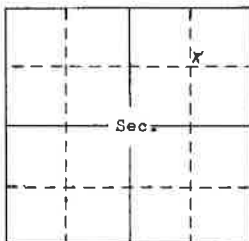
State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

WELL OWNER:
Name Ed McLean
Address 1703 - N-9th
Boise, Ida.
Owner's Permit No. _____
NATURE OF WORK (check): Replacement well ☐
New well ☒ Deepened ☐ Abandoned ☐
Water is to be used for: domestic
METHOD OF CONSTRUCTION: Rotary ☐ Cable ☒
Dug ☐ Other _____ (explain)
CASING SCHEDULE: Threaded ☐ Welded ☒
4" Diam. from 0' ft. to 63' ft.
"Diam. from _____ ft. to _____ ft.
"Diam. from _____ ft. to _____ ft.
"Diam. from _____ ft. to _____ ft.
Thickness of casing: 250 Material:
Steel ☒ concrete ☐ wood ☐ other ☐

(explain)
PERFORATED? Yes ☐ No ☒ Type of
perforator used: _____
Size of perforations: _____ " by _____ "
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.
WAS SCREEN INSTALLED? Yes ☐ No ☒
Manufacturer's name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
CONSTRUCTION: Well gravel packed? Yes ☐
No. ☒ size of gravel _____ Gravel
placed from _____ ft. to _____ ft. Surface seal
provided? Yes ☒ No ☐ To what depth?
30 ft. Material used in seal: Clay
Did any strata contain unusable water? Yes ☐
No. ☒ Type of water: _____
Depth of strata _____ ft. Method of sealing
strata off: _____

Surface casing used? Yes ☐ No. ☒
Cemented in place? Yes ☐ No ☒

Locate well in section



LOCATION OF WELL: County Ada
NE 1/4 NE 1/4 Sec. 3 T. 3 N. 2 R. 2 E.

Use other side for additional remarks

Size of drilled hole: 4" Total
depth of well: 63 Standing water
level below ground: 31 Temp. _____
Fahr. 50 Test delivery: 25 gpm
or _____ cfs Pump? ☐ Bail ☐
Size of pump and motor used to make test:
Compressor
Length of time of test: one Hrs. 30 Min.
Drawdown: _____ ft. Artesian pressure: ft.
above land surface _____ Give flow _____ cfs
or _____ gpm. Shutoff pressure: _____
Controlled by: Valve ☐ Cap ☐ Plug ☐
No control ☐ Does well leak around casing?
Yes ☐ No ☐

DEPTH MATERIAL 038435 WATER
FROM TO YES OR NO
FEET FEET

0	2	to sandy soil	X
2	26	Coarse sand and clay silt	X
26	31	thin clay streaks and silty clay	X
31	33	fine yellow sand and some pea gravel	X
33	50	gray sand & pea gravel	X
50	63	brown coarse sand & pea gravel	X

Work started: May 30-1969
Work finished: June 5-1969
Well Driller's Statement: This well was
drilled under my supervision and this report
is true to the best of my knowledge.
Name: Ernest Bielley
Address: R#1 Star, Ida
Signed by: _____ Date: June 9-1969
License No. 39

USGS

IDAHO DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

48837

Office Use Only
Inspected by _____
Twp _____ Rge _____ Sec _____
1/4 1/4 1/4
Lat: _____ Long: _____

1. DRILLING PERMIT NO. 63-95-W-0507 - 000
Other IDWR No. _____

2. OWNER:
Name TIM O'LEARY
Address 1520 N. 5TH
City BOISE State ID Zip 83702

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

North ☒ or South ☐
East ☒ or West ☐
Twp. 3 Rge. 2 Sec. 3
Gov't Lot _____ County ADA Long: _____
1/4 SW 1/4 NE 1/4

Address of Well Site
5TH & SHERMAN City BOISE
(Give at least name of road - Distance to Road or Landmark)

Lt. _____ Blk. _____ Sub. Name _____

4. USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD
☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT		METHOD
Material	From	To	Sacks or Pounds		
BENT	0	18	2S		OVERBORE

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) _____
Was drive shoe seal tested? ☒ Y ☐ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6"	+1	59	250	STEEL	☒	☐	☒	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations Method _____
☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

40 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices: _____

11. WELL TESTS:

Yield gal./min.	Drawdown	Pumping Level	Time
60		NO	TEST

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

Depth first Water Encountered _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
10"	0	18	TAN SANDY CLAY	NO	
6"	18	36	TAN SANDY CLAY	NO	
6"	36	49	TAN SAND & GRAVEL	NO	
6"	49	63	TAN COARSE QUARTZ SANDIES		

RECEIVED

AUG 02 1995

Department of Water Resources

RECEIVED

AUG 02 1995

Department of Water Resources

RECEIVED

JUL 26 1995

WATER RESOURCES
WESTERN REGION

Completed Depth 63' FROM TOP OF CASING (Measurable)
Date: Started 7/3/95 Completed 7/3/95

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name S.O.S. WELLDILLING Firm # 212

Firm Official Frank Schmir Date 7-19-95

and John Davis Date 7-17-95

Supervisor or Operator _____ Date _____

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

Location Corrected by IDWR To:

T03N R02E Sec. 3 NWNWNE

By: mciscell 2012-09-06

REPORT OF WELL DRILLER
State of Idaho

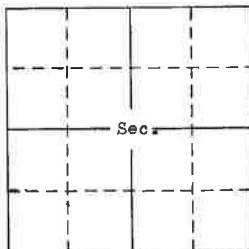
State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

WELL OWNER:
Name John Russel
Address 1916 - N. 13th
Boise, Idaho
Owner's Permit No. _____
NATURE OF WORK (check): Replacement well ☐
New well ☒ Deepened ☐ Abandoned ☐
Water is to be used for: domestic
METHOD OF CONSTRUCTION: Rotary ☐ Cable ☒
Aug ☐ Other _____
(explain)
TAPING SCHEDULE: Threaded ☐ Welded ☒
4 "Diam. from 0 ft. to 59-7 ft.
"Diam. from _____ ft. to _____ ft.
"Diam. from _____ ft. to _____ ft.
"Diam. from _____ ft. to _____ ft.
Thickness of casing: .232 Material:
Steel ☒ concrete ☐ wood ☐ other ☐

(explain)
PERFORATED? Yes ☐ No ☒ Type of
perforator used: _____
Size of perforations: _____ " by _____ "
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.
WAS SCREEN INSTALLED? Yes ☐ No ☐
Manufacturer's name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
CONSTRUCTION: Well gravel packed? Yes ☐
No. ☒ size of gravel _____ Gravel
placed from _____ ft. to _____ ft. Surface seal
provided? Yes ☐ No ☒ To what depth?
_____ ft. Material used in seal: _____
Did any strata contain unusable water? Yes ☐
No. ☒ Type of water: _____
Depth of strata _____ ft. Method of sealing
strata off: _____

Surface casing used? Yes ☐ No. ☒
Cemented in place? Yes ☐ No ☒

Locate well in section



LOCATION OF WELL: County Ada
SW 1/4 NE 1/4 Sec. 3 T. 3 N. R. 2 E.

Use other side for additional remarks

Size of drilled hole: 4 " Total
depth of well: 59-7 Standing water
level below ground: 35 ' Temp. _____
Fahr. 50 ° Test delivery: 18 gpm
or _____ cfs Pump? ☒ Bail ☐
Size of pump and motor used to make test:
One horse submersible
Length of time of test: 2 Hrs. Min. _____
Drawdown: 16 ft. Artesian pressure: ft. _____
above land surface _____ Give flow _____ cfs
or _____ gpm. Shutoff pressure: _____
Controlled by: Valve ☐ Cap ☐ Plug ☐
No control ☐ Does well leak around casing?
Yes ☐ No ☐

DEPTH MATERIAL WATER
FROM TO YES OR NO

FEET	FEET		
0' 35'		Coarse sand & clay	
		mixed	
35' 59'		gravel	

Work started: 6/12/67
Work finished: 6/16/67
Well Driller's Statement: This well was
drilled under my supervision and this report
is true to the best of my knowledge.
Name: Ernest Kelsey
Address: Rt 1 - Star - Ida.
Signed by: _____
License No. 39 Date: June 27-67

USGS

Ada County
Lot 14 - Blk. 21 - Hyde Park add.
file Book 1 of plats page 19

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Schiffner</u> Address <u>Hazel # 16 St</u> Owner's Permit No. _____	7. WATER LEVEL Static water level <u>40</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ OF. Quality _____																																
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____	8. WELL TEST DATA ☐ Pump ☐ Bailor ☒ Air ☐ Other <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> </thead> <tbody> <tr> <td align="center"><u>20</u></td> <td></td> <td align="center"><u>2</u></td> </tr> </tbody> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped	<u>20</u>		<u>2</u>																										
Discharge G.P.M.	Pumping Level	Hours Pumped																															
<u>20</u>		<u>2</u>																															
3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)	9. LITHOLOGIC LOG 021604 <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Hole Diam.</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th rowspan="2">Water Yes No</th> </tr> <tr> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td align="center"><u>6</u></td> <td align="center"><u>0</u></td> <td align="center"><u>10</u></td> <td><u>Twp Soil</u></td> <td align="center">☒</td> </tr> <tr> <td></td> <td align="center"><u>10</u></td> <td align="center"><u>34</u></td> <td><u>Hard & Fine Gravel</u></td> <td align="center">☒</td> </tr> <tr> <td></td> <td align="center"><u>34</u></td> <td align="center"><u>50</u></td> <td><u>Mudstone</u></td> <td align="center">☒</td> </tr> <tr> <td></td> <td align="center"><u>50</u></td> <td align="center"><u>61</u></td> <td><u>Gravel some sand</u></td> <td align="center">☒</td> </tr> </tbody> </table>	Hole Diam.	Depth		Material	Water Yes No	From	To	<u>6</u>	<u>0</u>	<u>10</u>	<u>Twp Soil</u>	☒		<u>10</u>	<u>34</u>	<u>Hard & Fine Gravel</u>	☒		<u>34</u>	<u>50</u>	<u>Mudstone</u>	☒		<u>50</u>	<u>61</u>	<u>Gravel some sand</u>	☒					
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4. METHOD DRILLED ☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☒ Cable ☐ Dug ☐ Other _____																																	
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td align="center"><u>.250</u> inches</td> <td align="center"><u>6</u> inches</td> <td align="center"><u>12"</u> feet</td> <td align="center"><u>60'6"</u> feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> </tbody> </table> Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>_____ perforations</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ perforations</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ perforations</td> <td>_____ feet</td> <td>_____ feet</td> </tr> </tbody> </table> Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☐ No Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>16"</u> Material used in seal: ☐ Cement grout ☒ Puddling clay ☐ Well cuttings Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☐ Overbore to seal depth Method of joining casing: ☐ Threaded ☐ Welded ☐ Solvent Weld ☐ Cemented between strata Describe access port _____	Thickness	Diameter	From	To	<u>.250</u> inches	<u>6</u> inches	<u>12"</u> feet	<u>60'6"</u> feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	Number	From	To	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet	
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_____ perforations	_____ feet	_____ feet																															
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6. LOCATION OF WELL Sketch map location must agree with written location. Subdivision Name _____ Lot No. _____ Block No. _____ County <u>Ada</u> <u>SE</u> ¼ <u>SW</u> ¼ Sec. <u>34</u>, T. <u>4</u> N., R. <u>2</u> E.	10. Work started <u>4-18-78</u> finished <u>4-20-78</u>																																
63	11. DRILLERS CERTIFICATION I/we certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>BV Pump Drive</u> Firm No. <u>207</u> Address <u>2950 S. Hudson</u> Date <u>4-20-78</u> Signed by (Firm Official) <u>[Signature]</u> and (Operator) <u>Tom Adams</u>																																

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

IDAHO DEPARTMENT OF WATER RESOURCES WELL DRILLER'S REPORT

Location Corrected by IDWR To:
T03N R02E Sec. 3 NENW
By: segbert 2012-02-27

1. DRILLING PERMIT NO. 63 - 94 - W - 1091 - 000
Other IDWR No. _____

2. OWNER:
Name Phillip Stanley
Address 1708 N. 14th.
City Boise State Id Zip 83702

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N					
S					

Tw. 3 North ☒ or South ☐
Rge. 2 East ☒ or West ☐
Sec. 3 SE 1/4 NW 1/4 1/4
Gov't Lot _____ County Ada 10 acres 40 acres 160 acres

Address of Well Site same

City _____

(Give at least name of road + distance to Road or Landmark)

Lt. _____ Blk. _____ Sub. Name _____

4. PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK

☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD

☐ Mud Rotary ☐ Air Rotary ☒ Cable ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT		METHOD
Material	From	To	Sealant	Pounds	
<u>Bentonite</u>	<u>0</u>	<u>20</u>	<u>100</u>		<u>Blow</u>

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) _____

Was drive shoe seal tested? Y ☐ N ☒ How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
<u>6</u>	<u>1</u>	<u>70</u>	<u>1.350</u>	<u>Steel</u>	☐	☐	☒	☐
<u>5</u>	<u>66</u>	<u>72</u>	<u>1.358</u>	<u>Steel</u>	☐	☐	☒	☐
<u>5</u>	<u>77</u>	<u>78</u>	<u>1.358</u>	<u>Steel</u>	☐	☐	☒	☐

Length of Headpipe 6' Length of Tailpipe 1'

9. PERFORATIONS/SCREENS

☐ Perforations Method _____
☒ Screens Screen Type 304 - Stainless

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
<u>72</u>	<u>77</u>	<u>10/16</u>		<u>5</u>		☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

35 ft. below ground Artesian pressure _____ lb.

Depth flow encountered _____ ft. Describe access port or control devices: W20 Seal

11. WELL TESTS:

☐ Pump ☐ Baller ☒ Air ☐ Flowing Artesian

48836

Yield gal./min.	Drawdown	Pumping Level	Time
<u>23</u>			<u>1</u>

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Water	Y	N
<u>6</u>	<u>0</u>	<u>3</u>	<u>Top Soil</u>			☒
	<u>3</u>	<u>10</u>	<u>Hard Pan</u>			☒
	<u>10</u>	<u>37</u>	<u>Gravel</u>			☒
	<u>37</u>	<u>72</u>	<u>Gravel</u>		☒	
	<u>72</u>	<u>78</u>	<u>Sand & Gravel</u>		☒	

RECEIVED

AUG 25 1995

Department of Water Resources

RECEIVED

FEB 10 1995

WATER RESOURCES
WESTERN REGION

OCT 02 1995

Completed Depth 78 (Measurable)
Date: Started Dec. 14, 1994 Completed 1-10-95

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Dennis Phipps Well Drill Firm No 332

Firm Official Don Phipps Date 2-5-95

and Supervisor or Operator Mark Phipps Date 2-5-95

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

047879

WELL LOG AND REPORT OF THE STATE RECLAMATION ENGINEER OF IDAHO

Permit No. _____ Well No. _____ County Ada
 Owner Henry Westby
 Address 311 Thatcher St Boise
 Driller F.J. Clayville
 Address 3817 Greenbrier Dr
 Well location 311 Thatcher St Sec. 3 T. 3 N. R. 2 E. 1/4
 Size of drilled hole 6"

Locate well in section

NW 1/4	NE 1/4
SW 1/4	SE 1/4

Total depth of well 137 ft

Give depth to standing water from the ground 32 ft Water temp. _____ °Fahr.

On "Pumping Test" delivery was _____ g.p.m. or _____ c.f.s. Drawdown was _____ feet.

Size of pump and motor used to make test _____

Length of time of test _____ hours _____ minutes.

If flowing well, give flow _____ c.f.s. or _____ g.p.m. and of shut off pressure _____

If flowing well, described control works _____

Water will be used for Domestic (TYPE AND SIZE OF VALVE, ETC.)
 Weight of casing per lineal foot 19 lb

Thickness of casing 1/4" Casing material Steel
 (STEEL, CONCRETE, WOOD, ETC.)

Diameter, length and location of casing _____
 (CASING 12" IN DIAMETER OR LESS, GIVE INSIDE DIAMETER;
 CASING OVER 12" IN DIAMETER, GIVE OUTSIDE DIAMETER)

CASING RECORD

Diam. Casing	From Feet	To Feet	Length	Remarks—seals, grouting, etc.

Number and size of perforations _____ located _____ feet to _____ feet from ground

Date of commencement of well _____ Date of completion of well May 31-62

S.2 3N2E

WELL LOG

[illegible]

WELL DRILLER'S STATEMENT

This well was drilled under my supervision and the above information is true and correct to the best of my knowledge and belief.

Signed F. J. Clayville.
By _____

Dated Sept 9, 1962

License No. 43

Form 238-7
3/95-C96

IDAHO DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

839840

Office Use Only

Inspected by _____
Twp. _____ Rge. _____ Sec. _____
_____ 1/4 _____ 1/4 _____ 1/4
Lat. _____ Long. _____

1. **DRILLING PERMIT NO.** _____
Other IDWR No. D0046485 63-W-215-001

2. **OWNER:**
Name DEAN WORBOIS
Address P.O. BOX 8182
City BOISE, _____ State ID Zip 83707

3. **LOCATION OF WELL by legal description:**
Sketch map location must agree with written location
N


 Twp. 3 North ☒ or South ☐
 Rge. 2 East ☒ or West ☐
 Sec. 3 1/4 NW 1/4 NE 1/4
10 acres 40 acres 160 acres
 Gov't lot _____ County ADA
 Lat: 43:37:83 Long: 116:1:949
 Address of Well Site 1809 North 9th St
 City Boise
 (Give at least name of road + Distance to Road or Landmark)
 Lt. 6&7 Blk. 7 Sub. Name Hyde Park Addition

4. USE:
☐ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☒ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD
☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES				
SEAL/FILTER PACK		AMOUNT		METHOD
Material	From	To	Sacks or Pounds	
Bentonite	0	20	8 Sacks	Overbore

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 40'

Was drive shoe seal tested? ☒ Y ☐ N How? _____

8. CASING/LINER:								
Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6"	+2	38'	250	St	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS
☒ Perforations Method torch
☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
35'	40'	3/4" x 1/2"	32	6"	St	☒	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
38 ft below ground Artesian Pressure _____ lb
 Depth flow encountered 30 ft. Describe access port or control
 devices: n/a

11. WELL TESTS:

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian			
Yield gal/min	Drawdown	Pumping Level	Time
n/a	n/a	n/a	n/a

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

Depth first Water Encountered 30'

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

[illegible]

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name SOS Welldrilling & Pump Co Firm No. 212

Firm Official Frank Jones Date 5/10/86

Supervisor or Operator 2015 Date 5-10-08

(Sign once if Firm Official & Operator)

Date: 5/8/2006 Time: 2:58 PM

IDaho DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

839376

Office Use Only

Inspected by _____

Twp _____ Rge _____ Sec _____

_____ 1/4 _____ 1/4 _____ 1/4

Lat _____ Long: _____

1. DRILLING PERMIT NO. - - - - -
Other IDWR No. 894048 - 839376 ~~B0040590~~ D0042590

2. OWNER:
Name DEAN WORBOIS
Address P.O. BOX 8182
City BOISE State ID Zip 83707

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location

W  E

Twp. 3 North ☒ or South ☐
 Rge. 2 East ☒ or West ☐
 Sec. 3 $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$
 10 acres 40 acres 160 acres

S Gov't lot _____ County ADA
Lat: 43:37:83 Long: 116:11:949
Address of Well Site 1809 N 9TH ST
City BOISE

Lt. 6&7 ____ Blk. 7 Sub. Name Hyde Park Addition

4. USE:

☒ Domestic	☐ Municipal	☐ Monitor	☐ Irrigation
☐ Thermal	☐ Injection	☐ Other	

5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
Bentonite	0	18	7 Sacks	Overbore

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 83'
Was drive shoe seal tested? ☐ Y ☒ N How?

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6"	11	83	250	SI	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe Length of Tailpipe

9. PERFORATIONS/SCREENS

☐ Perforations Method _____

☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

38 ft. below ground Artesian Pressure _____ lb
Depth flow encountered _____ ft. Describe access port or control devices:

11. WELL TESTS:

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Pumping Level	Time
36 gpm	30'	66'	1 Hr

Water Temp.	Bottom hole temp.
-------------	-------------------

Water Quality test or comments:

Depth first Water Encountered 44

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Water

[illegible]

Completed Depth: 85 (Measurable)

Date: Started 04/28/06 Completed 05/04/06

13. DRILLER'S CERTIFICATION

1/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name SOS Welldrilling & Pump Co Firm No. 212

Firm Official Israel Shumi Date 5-5-00

Supervisor or Operator _____ Date _____
(Sign once if Firm Official & Operator)

Date: 5/5/2006 Time: 9:50 AM



APPENDIX C IRRIGATION WATER RIGHT CALCULATION

Using IDWR's online Irrigation Rights Finder mapping system, three irrigation water right places of use were identified as overlapping with the 380 acre area initially identified for use of the transferred water right. These are shown in Figure C-1 below.



Figure C-1 - IDWR Irrigation Rights Finder Map with SUEZ's approximate proposed irrigated area overlaid.



Four irrigation water rights are associated with the three places of use. However, only two of the water rights appear to actually be used within the 380 acre area—the IDWR Irrigation Rights Finder does not appear to correctly depict the place of use of the other two (which share a place of use). Details for these rights are provided in Figures C-2, C-3, and C-4 below.

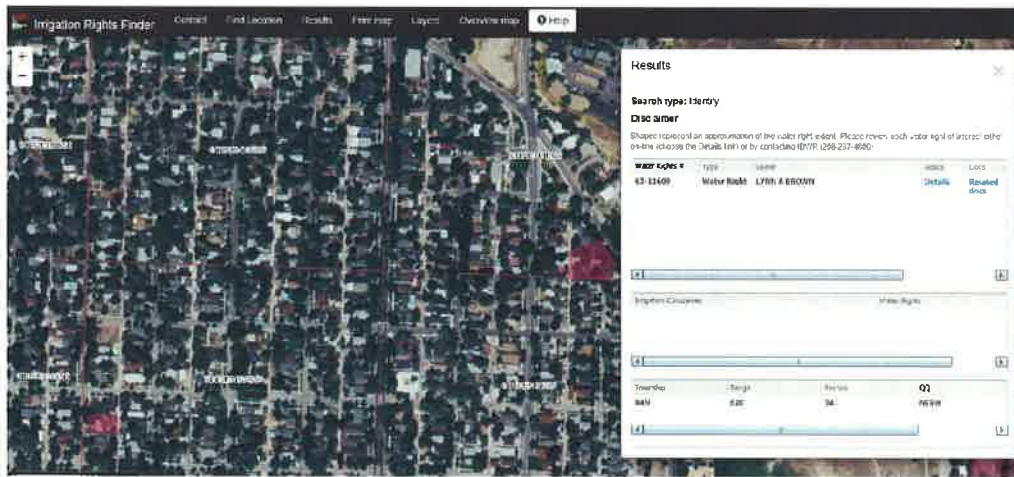


Figure C-2 - 63-11609: irrigation right; fully within proposed irrigated area; 0.3 acres.

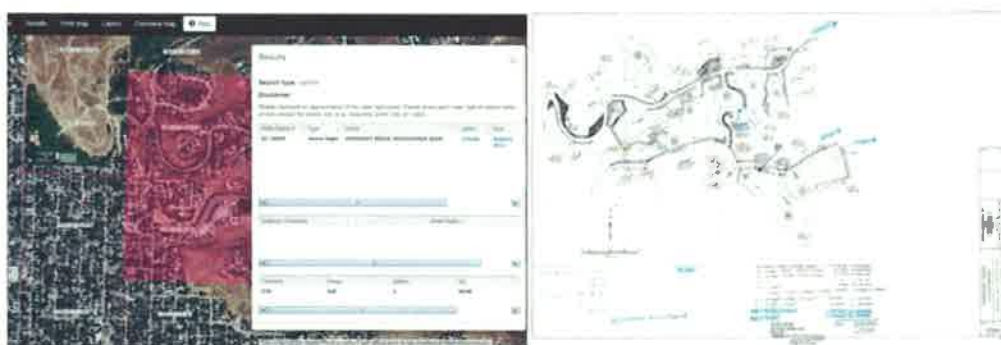


Figure C-3 - 63-10609: irrigation right; partially within proposed irrigated area in NENE of Sec. 3; 0.2 acres.

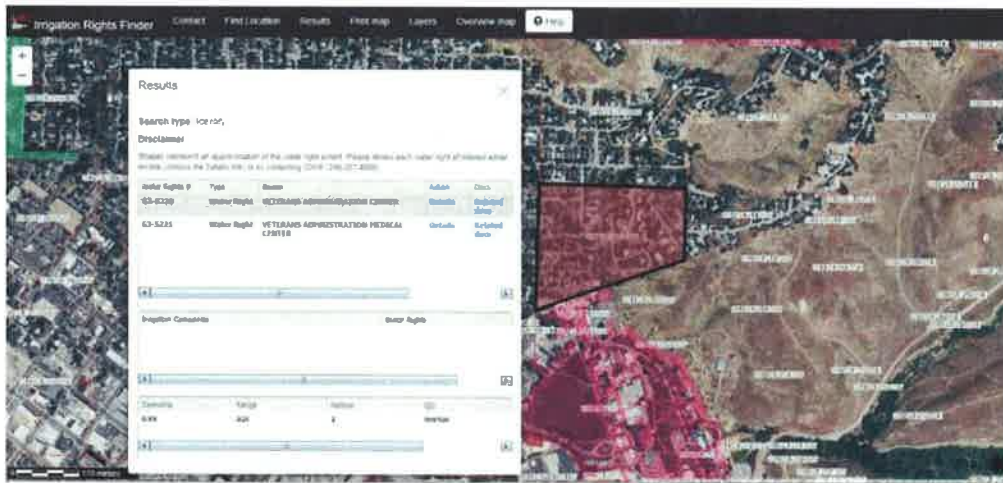


Figure C-4 - 63-5220 and 63-5221: irrigation right; 2 acres within NWSW of Sec. 2; owned by Veteran's Administration; but IDWR shape appears to be wrong—it encompasses the neighborhood to the north of the Veterans Administration land; result is no acreage included within SUEZ's irrigated acreage calculation

The two irrigation water rights within the 380 acre area (63-11609 and 63-10609) irrigate 0.5 acres. As described in Appendix B, irrigated land comprises approximately 36% of the land area in Boise's North End. Thus, to calculate the amount of land that must be added to the initial 380 acre area to account for the 0.5 acres irrigated under these irrigation rights, 0.5 was divided by the average irrigated acreage in the area of 36%, resulting in 1.4 acres ($0.5 / 0.36 = 1.4$ acres).

APPENDIX I

**Appendix I ADMINISTRATOR'S MEMORANDUM – TRANSFER PROCESSING NO. 24
(DEC. 21, 2009)**

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December 21, 2009

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ADMINISTRATOR'S MEMORANDUM

Transfer Processing No. 24

To: Water Management Division Staff
From: Jeff Peppersack 
RE: **TRANSFER PROCESSING POLICIES & PROCEDURES**
Date: December 21, 2009

This memorandum supersedes Transfer Processing Memorandum No. 24 dated January 21, 2009.

The purpose of this memorandum is to provide policy guidance for processing applications for transfers of water rights pursuant to Section 42-222, *Idaho Code*, and other applicable law. The revisions to the October 30, 2002 memorandum are provided to recognize statewide application of this memorandum, to clarify the guidance based on updates to statutes and Department policy, and to streamline transfer processing to reduce application processing time and existing application backlogs. These policies and procedures are to be followed until rescinded or amended, or superseded by statute or rule or court decision, to assure that applications are processed efficiently and with consistency.

Regardless of whether or not an application for transfer is protested, Section 42-222, *Idaho Code*, requires that the department evaluate whether there would be injury to other water rights, there would be an enlargement in use of the original right, the proposed use would be a beneficial use, the proposed use would be in the local public interest, the proposed use would be consistent with the conservation of water resources within the State of Idaho, and whether the proposed change would impact the agricultural base of the local area. In the case where the place of use is outside of the watershed or local area where the source of water originates, the department must also evaluate whether the change would adversely impact the local economy of the watershed or local area. The department must also evaluate the validity of the right (or part thereof) being changed and must assure that the applicant owns the right or otherwise has the authority to apply for the transfer.

Rev. 8.3

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1. When a Transfer is Required.

Section 42-222, *Idaho Code*, requires the holder of a water right to obtain approval from the department prior to changing: (1) the point of diversion, (2) the place of use, (3) the period of use, or (4) the nature of use of an established water right. An established water right is a licensed right, a decreed right, or a right established by diversion and beneficial use. Approval is sought by filing an application for transfer with the department. A claim in an adjudication or a statutory claim must be filed to allow a transfer application to be processed for a right based upon diversion and beneficial use.

Changes to Elements of a Water Right. An application for transfer is required if a proposed change would alter any of the four elements of the water right listed above that can be changed pursuant to Section 42-222, *Idaho Code*, as recorded with the department or by decree. Conditions or other provisions of a water right may further define or limit a recorded element of a water right; an application for transfer is required for a proposed change that could alter such a condition. For example, a proposed change of use under a water right for an industrial use, which includes a condition limiting the quantity of water that can be consumptively used, to a different industrial use that would increase the quantity of water that would be consumptively used can not be made unless enlargement is prevented.

If a proposed change has the potential to injure other rights or the potential to enlarge the right, even when there would be no change in any of the recorded elements of the right, an application for transfer should be filed to provide for evaluation of injury and enlargement issues before the change is made. For example, if the point of diversion from a fully appropriated creek is proposed to be moved where additional water would be available for diversion or if the proposed point of diversion as changed would move upstream of the points of diversion for other rights, the change can not be made unless other conditions are imposed, such as mitigation, to prevent injury.

Changes to Points of Diversion. If a point of diversion is proposed to be moved to a different tract than described as an element under an established water right, then a transfer application is required. This includes a change from one 10-acre legal subdivision to another if the point of diversion has been previously described as a 10-acre legal subdivision. An application for transfer is also required when a point of diversion is proposed to be added for a water right, even when the existing authorized point of diversion is recorded as a 10-acre legal subdivision and the additional diversion would be within the same 10-acre legal subdivision.

If a point of diversion is proposed to be moved from a tributary to a location downstream from the confluence of the tributary and the surface water stream to which the tributary is joined, then an application for transfer is required. If a point of diversion is proposed to be moved from a stream to the stream to which it is tributary at a location upstream of the confluence between them, or moved from one tributary to another tributary, an application for exchange is required pursuant to Section 42-240, *Idaho Code* rather than an application for transfer.

Changes in Place of Use. An application for transfer is required if a change in the location of use between 40-acre legal subdivisions is proposed that would result in an increase in the number of acres within a 40-acre legal subdivision or in use of water at a new 40-acre legal subdivision that is not included within the recorded place of use element for the right. An application for transfer is also required for a proposed change in location of use under a water right for irrigation to a location outside of prescribed boundaries such as those provided under Section 42-219, *Idaho Code*, with or without a proposed change in purpose of use, except for those rights held by irrigation districts or municipal providers, even when the change in location would be included within the same 40-acre legal subdivisions existing prior to the proposed change. A proposed change to any water right held for irrigation involving a change in the number of irrigated acres of less than one acre at the original place of use or at a proposed new place of use is not approvable unless the proposed change involves a new purpose of use within the original place of use or the applicant provides a verification procedure approved by the Director that can be practically administered to prevent injury or enlargement.

Consolidation of Acreage. An application for transfer is required for proposed consolidation of water use for irrigation by permanently reducing the number of acres authorized for irrigation under a water right, while maintaining the original diversion rate or annual diversion volume.

Land Application of Wastewater. An application for transfer is required for a proposed change in the place of use under a water right for uses such as industrial, dairy, or confined animal feeding operations that would allow land application of wastewater from that use or change the location of lands used for application of wastewater, when there is not a full existing water right for irrigation of the place of use receiving wastewater.¹

Correction of Errors. An application for transfer may also be required to correct errors in licenses or decrees. For example, a transfer application may be required to correct the location of the place of use of a water right decreed by a court if the decree is later determined to be in error. However, a transfer action is not always required to correct such errors. For example, if a water right claim is determined to be in error, the claim can be amended to correct the error. Similarly, some clerical errors in a license or decree may be corrected by issuance of an amended license or decree (by the jurisdictional court) without using the transfer process. Also, a change to a description of the location of the place of use or point of diversion, as used by the department for administration of water rights, resulting from improved methodology does not require an application for transfer, as described below. In addition, conditions that are no longer applicable may be modified or removed from a license without a transfer, provided other rights are not materially affected. For decrees, conditions that are no longer applicable should be noted in comments on the department's electronic record for the right. However, a change to any element of a decreed water right requires filing an application for transfer, unless the appropriate court makes the change by amending the decree.

¹ The guidance provided here effectively revises the guidance to staff for filing an application for transfer as provided in Application Processing Memorandum No. 61 concerning wastewater from industrial uses.

2. When a Transfer is not Required.

An application for transfer is not required if a proposed change will not alter any of the elements of a water right as licensed or decreed, except that even when the recorded elements of a water right are not changed an application should be filed under such circumstances described in Section 1 above. In addition, an application for transfer is not needed when an accomplished change to a water right or an enlargement of a right has been claimed in an adjudication in accordance with the provisions of Sections 42-1425 or 42-1426, *Idaho Code*.

Changes in Consumptive Use. Consumptive use of water under a water right is not, by itself, an element of the water right subject to the requirements to file an application for transfer. Unless there is a specific condition of the water right limiting the amount of consumptive use, changes in water use under a water right for the authorized purpose of use that simply change the amount of consumptive use do not require an application for transfer provided that no element of the water right is changed. However, when determining the amount of water that can be transferred pursuant to an application for transfer proposing to change the nature or purpose of use, and for certain other circumstances as described herein, historical consumptive use is considered.

Change in Ownership. An application for transfer is not required to change the owner of record for a water right or address of record for a right holder. Changes in ownership or address are to be filed in accordance with Section 42-248, *Idaho Code*, or for adjudication claims in accordance with Section 42-1409(6), *Idaho Code*. However, a transfer application filed pursuant to Section 42-222, *Idaho Code*, accompanied by evidence documenting a change in ownership for a water right, or showing a change in the address of the owner of a water right, satisfies the requirements of Section 42-248, *Idaho Code*.

An application for transfer is not required to change the owner of record of one or more water rights, or portions thereof, that are part of a larger group of water rights authorized for use within and appurtenant to a permissible place of use² if the conveyance documents provide evidence of the change in ownership and appurtenance of each of the rights and if other elements of the rights will not be changed.

An application for transfer is not required to eliminate one or more points of diversion authorized under a water right through a change in ownership if the conveyance

² A permissible place of use is defined as a legal description of the authorized location where water may be applied under a water right for irrigation use, but the use in any year is limited to a specified number of acres which is less than the larger described location. For example, a water right may describe a permissible place of use as four 40-acre legal subdivisions totalling 160 acres, but the water right also limits the acreage that may be irrigated to 40 acres. The water right owner cannot irrigate more than 40 acres in a given year under the right. A permissible place of use is typically, but not always, irrigated by multiple rights with separate acreage limitations that, when used together, provide for irrigation of the entire permissible place of use in the same year.

documents provide evidence of the limitation and if other elements of the rights will not be changed.

Partial Relinquishment. An application for transfer is not required to relinquish a portion of a water right such as elimination of a purpose of use or a point of diversion or a reduction in acres and proportional rate. The water right owner should provide a notarized statement of relinquishment including specific identification of the water right(s) and the specific reduction(s).

Split Rights. An application for transfer is not required when a water right for irrigation is proposed to be split, with notice to the department pursuant to the provisions of Section 42-248, *Idaho Code*, such that a disproportionate per acre share of the right would be conveyed to another party provided that the resulting diversion rates do not exceed 0.02 cfs per acre, the amount of water historically applied per acre, or the amount of water diverted at a particular point of diversion, whichever is greater, for that part of the right conveyed or retained, and provided no other changes are made.

Changes to Points of Diversion within Recorded Location. An application for transfer is not required if a change in point of diversion is proposed to be moved to a location within the same legal public land survey subdivision as currently recorded on the water right and the change will not enlarge the right or injure other rights (if within a recorded legal public land survey subdivision, a transfer is required if injury is likely when moving the point of diversion to bypass another point of diversion or when moving a well significantly closer to another well or surface water source).

An application for transfer is not required for the situation described in the preceding paragraph, even when the point of diversion is described by a shapefile in the department's GIS database. The department will not initiate an enforcement action against the water right owner due to a discrepancy between the department's shape file and the physical location of use within the recorded legal subdivision if the discrepancy is limited to the situation described in the preceding paragraph. The department may update the shapefile in its GIS database from its own information or information provided by the water right owner.

Replacement of Point of Diversion. An application for transfer is not required to replace a point of diversion if the new point of diversion is constructed at the same location as described in the license or decree for the water right, and the change will not enlarge the right or injure other rights.

Refined Descriptions. An application for transfer is not required when a change in the description of the location of the point of diversion or place of use is only the result of improved methodology for referencing and displaying the location, which results in a more accurate description of the same physical location. The department will not initiate an enforcement action against the water right owner due to the discrepancy between the water right record and the referenced location if the discrepancy is created by better methodology and is not due to a change in the physical location. However, if the water right owner wishes to correct the water right record, an application for transfer

or an appropriate amendment will be required, as previously described for correction of errors.

Changes in Place of Use within Recorded Location. An application for transfer is not required if a change in the location of use within 40-acre legal subdivisions is proposed that would not result in an increase in the number of acres within any 40-acre legal subdivision nor use of water at a new 40-acre legal subdivision (except for a proposed change in location outside of prescribed boundaries such as those provided for irrigation use under Section 42-219, *Idaho Code* or by court decree, even when the change in location would be included within the same 40-acre legal subdivisions existing prior to the proposed change).

An application for transfer is not required for the situation described in the preceding paragraph, even when the place of use is described by a shapefile in the department's GIS database. The department will not initiate an enforcement action against the water right owner due to a discrepancy between the department's shape file and the physical location of use within the 40-acre legal subdivisions if the discrepancy is limited to the situation described in the preceding paragraph. The department may update the shapefile in its GIS database from its own information or information provided by the water right owner.

Generally Described Place of Use. As provided in Section 42-219, *Idaho Code*, an application for transfer is not required to change the place of use within a generally described place of use. A generally described place of use may be by court decree or as provided in Section 42-219(5) and (6). Pursuant to Section 42-219(7), any change within a generally described place of use can not result in an increase in the diversion rate, or in the total number of acres irrigated under the water right, and can not cause injury to other water rights. Any change to the boundaries of a generally described place of use requires an application for transfer, except for a municipal provider as described below or for an irrigation district where changes in boundaries must be documented by a map of the revised boundaries filed with the department in accordance with Section 43-323(2), *Idaho Code*.

Municipal Places of Use. An application for transfer is not required to change or add a place of use for "municipal purposes" within the "service area" of a "municipal provider." See Sections 42-202B and 42-222(1), *Idaho Code*, for appropriate definitions and provisions governing use of municipal water rights. The ownership of a portion of a municipal water right held by a municipal provider for reasonably anticipated future needs can be changed to a different municipal provider subject to the provisions of Section 42-248, *Idaho Code*. However, the right can not be changed to a place of use outside the service area of a municipal provider or to a new nature of use, and an application filed for such a change is to be returned and any associated application fee refunded.

In-stream Stock Watering. An application for transfer is not required to divert water away from a stream for stock watering purposes provided the diversion is added and used in conjunction with an in-stream stockwater right and provided the diversion meets

certain conditions pursuant to Section 42-113(3), *Idaho Code*. See guidance memorandum for in-stream stock diversions dated June 26, 2000, for additional information.

Intensified Use of Water. An application for transfer is not required to increase production under an authorized use of water, unless the proposed change would also result in a change to one or more of the elements of the water right(s) as licensed or decreed. For example, an application for transfer is not required to increase the number or volume of raceways in a fish propagation facility, increase the number of cows at a dairy, change irrigation to a more water consumptive crop, or increase the generating capacity of hydroelectric generators, so long as none of the elements of the associated water rights are changed.

Mitigation Through Non-Use of a Right. An application for transfer is not required to mitigate for the diversion and use of water under another right if the mitigation is accomplished through non-use of water under an existing valid water right, except under specific circumstances where a transfer is required as part of the Department's approval of the mitigation plan (see Section 42-223 (10), *Idaho Code* for reference to mitigation approvals where non-use of water may apply).

Land Application of Wastewater to Replace Existing Supply. An application for transfer is not required for a proposed change in the place of use under a water right for uses such as industrial, dairy, or confined animal feeding operations that would allow land application of wastewater from that use or change the location of lands used for application of wastewater, when there is a full existing water right for irrigation of the place of use receiving wastewater.¹

3. Requirements for an Acceptable Application for Transfer.

The department is a public service oriented agency, and department employees traditionally have helped applicants complete transfer application forms. The existing transfer backlog, together with the increasing number and complexity of new applications for transfer, requires that staff focus their time on processing existing acceptable applications. Department employees are encouraged to provide general assistance to applicants but should refrain from completing application forms on behalf of applicants.

An applicant or qualified consultant must prepare and submit an application for transfer in accordance with the minimum requirements enumerated below to be acceptable for initiating the processing of the application by the department. An application that does not comply with these minimum requirements is to be considered incomplete and is to be returned to the applicant along with a letter or checklist identifying the deficiencies. The letter shall state that unless the application is resubmitted within 30 days of its return, the application fee will be refunded. An application for transfer that satisfies the minimum requirements will be processed in accordance with Section 5, Information Needed to Complete Processing of a Transfer Application.

- (1) Application Forms. An application for transfer must be submitted on a current form provided by the department entitled, "Application for Transfer of Water Right." The current form is available from the department's Internet homepage at:

http://www.idwr.idaho.gov/water/rights/water_rights_forms.htm

- (2) Name and Address. An application for transfer must include the name and address of the applicant. In addition, the application must include the name and address of any new right holder(s) for the water rights (or parts thereof) being transferred, if different than the applicant. The applicant's name must match the department's current record of ownership for the water rights (or parts thereof) being transferred. Otherwise, adequate documentation must be included to show that a change in ownership or authority to make the change has legally occurred. Adequate documentation can be a warranty or other deed, title policy, contract of sale or option for purchase by applicant (if the contract or option allows the transfer), or other similar document confirming ownership of the water right(s) or the authority to change the water right. See Records Memorandum No. 9 for additional guidance on water right ownership documentation.

A transfer application filed to change a right (or part thereof) claimed in a pending adjudication, where the claimed place of use is based on an accomplished transfer pursuant to Section 42-1425, *Idaho Code*, must include adequate documentation demonstrating the applicant's ownership of the right or authority to make the change.

- (3) List of Water Rights to be Changed. An application for transfer must list all water rights for use in a common system of diversion and distribution for which the point of diversion, place of use, period of use, or nature of use are proposed to be changed (the water rights to be transferred). Proposed changes which involve separate diversion and distribution systems must be filed as separate applications. A proposed change to the remaining portion of an existing water right subsequent to a proposed transfer requires a separate application for transfer.
- (4) Associated Water Rights or Water Supply. The application must include a separate list of individual water rights, other than those proposed to be changed, and a description of water supplied by a canal company, irrigation district, or municipality, that provide water currently used in the same diversion system or at the same place of use as the right(s) proposed to be transferred (associated water rights or water supply). In addition, the application must include a separate list of associated water rights or water supply proposed to be used in the same system or at a new place of use. If the associated water rights or water supply are not owned by the applicant and changes to conditions

for those rights are necessary, documentation must be submitted confirming that the applicant has the legal authority to make such changes on behalf of the current owner of the other rights.

Changes to conditions or remarks for associated water rights that are necessary as a result of an approved transfer and that do not affect the rights of other persons or entities can be made without a separate transfer application or process. Such changes usually result from a division in ownership and should be included in the transfer approval document.

- (5) Reason for Change. The application must list the purpose for and a general statement of the reason for the proposed change.
- (6) Description of Proposed Change. The application must describe in writing the proposed changes, which must include the following:
 - a. The right number(s) assigned by the department for the right(s) proposed to be changed must be identified. If the right was established by a beneficial use for which a claim has not been filed, a claim must be filed before or together with the transfer application. If the right is represented by a decree and the department has not assigned a number to the right, a copy of the decree must be included with a description of the right that is proposed to be changed.
 - b. The amount of water proposed to be diverted, as a rate of flow in cubic feet per second and as acre-feet per year, if the transferred water right has a volume limitation, for natural flow and ground water rights must be set forth. The amount of any stored water involved in a transfer must be identified in terms of acre-feet per year for each purpose of use listed.
 - c. The proposed nature or purpose of use must be stated. For non-irrigation uses such as "industrial" or "commercial," a more detailed description of the proposed use(s) must be provided under the "Remarks" section of the application, or as an attachment to the application. For applications proposing to change the nature of use to municipal purposes for reasonably anticipated future needs (RAFN), the applicant shall provide information to establish that the applicant qualifies as a municipal provider and that the RAFN, service area, and planning horizon are consistent with the definitions and requirements specified in Section 42-202B, *Idaho Code*.

- d. The period of each year during which water is proposed to be diverted, or diverted and stored, and beneficially used must be set forth for each use listed.
- e. The source of water for the proposed changes must be listed. An application proposing a diversion, injection, and re-diversion of water must list the source for the original diversion as the source for the injection and re-diversion. An application proposing to change the point of diversion to a location resulting in a change from ground water to surface water or from surface water to ground water shall include an analysis confirming a direct and immediate hydraulic connection (at least 50 percent depletion in original source from depletion at proposed point of diversion in one day). See Section 5c. (7) for further details.
- f. The legal description of the point(s) of diversion must be described. The description must be to the nearest 40-acre subdivision or U. S. Government Lot of the Public Land Survey System. Existing point(s) of diversion should be described to the nearest 10-acre tract, if based on a previously recorded 10-acre description or other accurate means such as GPS or a detailed and accurate map. Proposed point(s) of diversion need only be described to the nearest 40-acre tract. The location of springs must be described to the nearest 10-acre tract. Subdivision names, lot and block numbers, and any name in common usage for the point of diversion should be included in the "Remarks" section of the application form.
- g. Except as provided herein, the legal description of the place of use must be set forth to the nearest 40-acre subdivision or U. S. Government Lot of the Public Land Survey System. Subdivision names, block and lot numbers, and any name in common usage for the place of use should be included in the "Remarks" section of the application form. For water rights held by irrigation districts, municipal providers, and others included under the provisions of Sections 42-202B or 42-219, *Idaho Code*, the place of use may be generally described even if previously described to the nearest 40-acre subdivision or government lot.
- i. If irrigation is a purpose of use, the number of acres in each 40-acre tract of the place of use or within a generally described place of use must be shown. The location of uses, other than for municipal providers or

for irrigation, must be identified in the appropriate 40-acre tract(s).

- ii. Except for wastewater when there is a full existing water right for irrigation of the place of use receiving wastewater, if a proposed change includes disposal or use of wastewater by land application to growing crops the application must identify the location of the waste disposal area by legal description under the use from which the wastewater originates.
 - h. An adequate description of the proposed diversion, delivery and application system(s) must be provided. This may include preliminary sizes and dimensions of pumps, pipelines, headgates, ditches, dams, impoundments, and application equipment. The type and location of measuring devices might also be required for applications providing for measurement of water to address specific injury or enlargement concerns. For large existing systems, such as those owned by municipal providers, irrigation districts, and canal companies, only those features proposed to be added or modified need to be described.
- (7) Map of System. A map corresponding to the written description above must be included showing the location of points of diversion, reservoirs, dams, canals, ditches, pipelines, and other works proposed to be used in the diversion and conveyance of water. The map must clearly show the location of the place of use including lands to be irrigated, if any. If only a part of the water right(s) is proposed to be changed, the map must include the location of the part of the existing recorded right(s) proposed to be removed (or changed). Legal descriptions including townships, ranges, sections, quarter-quarters, and government lots must be evident or labeled unless other reference information is evident on the map to identify the specific location. In lieu of creating a map, a copy of a published map, such as a U. S. Geological Survey quadrangle map, or an aerial photograph, can be attached to the application with the required identification shown thereon. For large existing systems, such as those owned by municipal providers, irrigation districts, and canal companies, only those features proposed to be added or modified need to be shown.
- (8) Response to Questions on the Form. The application for transfer must include responses to the questions on the application form concerning the validity of the right, the proposed use of the land from which the right is proposed to be removed (if applicable) and the existence of mortgages or liens. In addition, the application should address any agreements or commitments not to divert water under the right(s)

proposed for transfer such as a lease to the water supply bank (WSB), enrollment in the federal Conservation Reserve Enhancement Program (CREP) or dedication of the right(s) for mitigation purposes.

- (9) Changes to Part of a Right. If only a part of a right is being changed, the application for transfer must define that part by describing each of the elements, as currently licensed or decreed or otherwise recorded, for the part of the right being changed.
- (10) Signature. The application for transfer must include the signature of the applicant or the applicant's authorized representative. If a representative signs the application, evidence of authority to sign for the applicant must accompany the application. An application in more than one name must be signed by each applicant unless the right is held in the name of one joint owner "or" other joint owner(s), or the right is held in the name of one joint owner "and/or" other joint owner(s).
- (11) Filing Fee. The filing fee provided in Section 42-221, *Idaho Code*, must be submitted with the application for transfer. If the applicant is a governmental agency, a purchase order for the required amount is acceptable. (See the memorandum titled "Guidance on SB 1337 Amending Section 42-221, I.C.," dated June 26, 2000, and Transfer Processing Memorandum No. 23 for further guidance on application fees.)
- (12) Changes to Point of Diversion from Eastern Snake Plain Aquifer. Except as provided below, if the application for transfer proposes to move the point of diversion for a water right to divert and use ground water from one location to another within the Eastern Snake Plain Aquifer (ESPA) including any modeled tributary aquifers, the applicant must submit an attachment with the application that sets forth the time series of calculated depletions (transient to steady-state) to reaches of the Snake River that are hydraulically-connected to the ESPA using or based on the department's current ground water model for the ESPA, or other equivalent analysis acceptable to the department. When using results from or based on the department's ground water model, the time series of calculated depletions must be for the cells containing the points of diversion both before and after the proposed transfer (initiating at the date of priority of the water right and ending at future steady state condition). If the cells are the same, the attachment is not required except as described below. A copy of the department's ESPA ground water model, or associated transfer spreadsheet³ can be obtained by contacting the department or visiting the department's web site.

³ The Department's ESPA transfer spreadsheet has a fixed 150-year analysis period which may not reach a true steady-state condition in all instances; however, the analysis period provided by the spreadsheet is acceptable to the Department for purposes of the required attachment. For purposes of this

The purpose of the time series of depletion attachment is to provide a basis for evaluating whether the proposed transfer will increase depletions to hydraulically-connected reaches of the Snake River.⁴ Increases in such depletions are presumed to cause injury to existing water rights because all of the hydraulically-connected reaches of the Snake River (including tributary springs) have water rights that are not fully satisfied at certain times. Increased depletions greater than 10 percent for any reach are presumed to cause injury and must be fully mitigated such that there are no increases in depletion to those reaches except as described below.⁵

Increased depletions greater than 10% in any reach are considered insignificant under either of the following conditions and will not require mitigation for the proposed transfer to be approvable:

- a. Increased depletions (transient to steady-state) to the reach are two acre-feet or less per trimester; or
- b. The reach, at steady-state conditions, will not be depleted by an amount greater than 10% of the total depletion to all reaches caused by the diversion under the proposed transfer.⁶

Where mitigation is necessary for increased transient-state depletions, variance from the requirement for full mitigation during the transient state is allowed to provide for periods of static mitigation within the period of change. Mitigation for increased transient-state depletion to a reach is acceptable if the resultant depletion to a reach is no more than 5% over the simulated pre-transfer depletion to the reach and any deficient mitigation is approximately the same as excess mitigation during the transient state.

If the application for transfer proposes to move or add a point of diversion within or adjacent to the model cell for the existing point(s) of diversion, the attachment described above is not required when the application is submitted. However, if the department determines that the proposed change may significantly increase depletions to a

memorandum, the transient state is the initial period of significant change to calculated depletions prior to approaching steady-state conditions.

⁴ Increased depletions are based on the depletion volume that will be transferred through the change in point of diversion (i.e. not to include any volume for unchanged portions of rights or other associated rights not part of the change in point of diversion).

⁵ This 10% threshold for mitigation reflects overall model uncertainty, of which one factor is the inherent error associated with measuring flows of water used as input to the model.

⁶ This exclusion from the mitigation requirement is consistent with the Department standard in various delivery calls against ground water users diverting water from the ESPA that establishes a minimum percentage of 10% below which ground water users are not required to mitigate or replace simulated depletions to the reach.

hydraulically-connected reach of the Snake River (including tributary springs), the attachment will be required to complete processing of the application for transfer. See the Department's August 13, 2007 memo entitled, "ESPA Transfer Spreadsheet Version 3.1 – Implementation and Use" for further guidelines on use of the ESPA transfer spreadsheet.⁷

If the applicant offers reduced ground water withdrawals as mitigation, any proposed schedule for adjusting reduced withdrawals must also be set forth in the application for transfer.

Increased reach gains from other proposed ESPA transfers (offsetting transfers) can be used to provide part or all of the mitigation necessary for reaches requiring mitigation due to increased depletions (as determined by a stand-alone analysis of each individual transfer as described above). If the applicant offers offsetting transfers as mitigation, the transfer applications shall be submitted together as part of a plan to mitigate the individual transfer effects.

- (13) Historic Beneficial Use. If the application for transfer proposes to change the nature or purpose of use or the season of use, the applicant must include an attachment documenting the historic extent of beneficial use under the right. For a transfer seeking to change a water right from irrigation, the attachment must provide sufficient data and information to determine historic consumptive water use. This can be satisfied by submitting records of cropping pattern or rotation, or records of water diverted and system efficiency, for at least the most recent, five consecutive years as described in Sections 5d.(5) and (6). If the application for transfer proposes to change the place of use for a supplemental water right, the applicant must include information to demonstrate that the supplemental right will not be enlarged (see Sections 5d.(3), (4) and (5) for definition and further discussion of supplemental rights).
- (14) Electronic Shape Files or Photographs Documenting Place of Use Changes. If the application for transfer proposes to change the purpose of use for a water right from irrigation to another use, or change the place of use for a water right for irrigation to another location, either of which requires the drying up of acres at the original place of use, the applicant must submit an attachment to the application for transfer. The attachment must provide a clear delineation of the location and extent of the irrigated acres prior to the proposed transfer, and must also

⁷ This memorandum supersedes portions of the Department's August 13, 2007 memo entitled, "ESPA Transfer Spreadsheet Version 3.1 – Implementation and Use" related to mitigation within 5 percent for transient and steady-state increases. The changes are being implemented to be consistent with use of the current ground water model for administration of water delivery calls in the ESPA. The remaining portions of the memo are still applicable.

provide a clear delineation of the location and extent of the irrigated acres, if any, after the transfer, if it is approved. This attachment may either consist of two electronic shape files in a format that is compatible with the department's GIS system or aerial photographs of sufficient detail acceptable to the department with the boundaries of the irrigated areas clearly shown and referenced to the Public Land Survey System. If a place of use involved with the application for transfer currently consists of a permissible place of use or a generally described place of use (see section 3(6)g above), then the applicable attachment is not required provided the application contains a clear statement that the boundaries for that place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly set forth.

- (15) Applications Involving Water Rights for Domestic Purposes. An application for transfer involving multiple water rights for domestic purposes as defined in Section 42-111, *Idaho Code*, even when evidenced by a decree, that proposes to establish a use, which itself would not be included within the scope of the definition for domestic purposes in Section 42-111, *Idaho Code*, is not approvable except as provided below. *Idaho Code* specifically prohibits the diversion and use of water under a combination of domestic uses to provide a supply of water for a use that does not meet the exemption of Section 42-227, *Idaho Code*, and is required to comply with the mandatory application and permit process for appropriating a right to the use of water pursuant to Chapter 2, Title 42, *Idaho Code*. An application for transfer filed for such a change is to be returned together and any associated application fee refunded.

An application for transfer involving multiple water rights for domestic purposes that is not proposing to change the nature of use or place of use may be approvable if the individual domestic uses will remain in place and the transfer is only intended to connect individual wells into a common system. Such transfer application may also include addition of a non-domestic right to add a use so long as the existing domestic uses will remain in place and will not be enlarged as a result of the transfer.

4. Changes to Applications for Transfer.

Amendment of Application. An applicant may revise or amend an acceptable application for transfer to clarify or correct information on the application. Significant changes to the place, period, or nature of the proposed use, amount of water, method or location of diversion, or other substantial changes from those shown on a pending application for transfer, will require filing a new application for transfer to replace the original application. If the revisions are not substantial, the application may be revised or amended with an initialed, dated endorsement by the applicant, or by the applicant's representative, on the original application, or by a letter describing the amendments in

sufficient detail. Changes initialed or signed by the applicant's representative must be accompanied by evidence providing authority to sign for the applicant if not previously provided. Changes to the application or supporting information are not to be made by staff under any circumstances. A replacement application must be identified as "changed," "amended" or "revised" on its face so that it can be distinguished from the original application, and the original application must be marked as "superseded." An additional filing fee may be required if the revised or replacement application involves more water than proposed in the original application for transfer. A re-advertisement fee, as provided in Section 42-221F, *Idaho Code*, will be required if notice of the original application has been published and changes to the original application are significant and warrant re-notice. (See Transfer Processing Memorandum No. 20 for additional information regarding changes to applications.)

Assignment of Application. An applicant may assign, in writing (must be notarized), an application for transfer to another entity while the application is pending before the department. An assignment does not require additional notice of the application to be published, and there is no fee for an assignment of an application. The assignment will change the name of the transfer applicant, but ownership of the water right(s) involved in the transfer cannot be changed without proper notice and documentation. Section 42-248, *Idaho Code*, provides that a transfer application can substitute for a notice of change in water right ownership if adequate documentation is provided with the application.

5. Processing an Application for Transfer Prior to Hearing.

Processing of an application for transfer consists of the steps outlined below. Flexibility is provided for some steps with the intent to streamline or expedite processing of routine or non-complex applications. Regional Managers have been delegated authority to sign routine water right approvals and denials and should continue to implement their signature authority as outlined in the Department's June 7, 2007 memo entitled, "Delegation of Authority for Water Right Approval/Denial" and other delegation that may be provided.

- (1) **Initiating Processing – Data Entry.** Once an application has been accepted and the application fee receipted pursuant to Section 3, Requirements for an Acceptable Application for Transfer, the Regional Office shall complete data entry of the basic information contained in the application and initiate working in parallel with the State Office to process non-routine or complex applications.
- (2) **Additional Information.** For those applications to be processed in parallel, the Regional Office and the State Office will determine what, if any, additional information is necessary to complete or supplement the application. For all applications, the Regional Office will correspond with the applicant to obtain the additional information, obtain watermaster recommendation as described below, and perform any field review that is also necessary in coordination with staff from the

Adjudication Bureau if the water right is claimed in a pending adjudication.

- (3) Administrative, Hydrologic, and Legal Review. For those applications to be processed in parallel, the Regional and State Offices will complete a review of all information submitted, in coordination with the Adjudication Bureau as needed, and forward appropriate information to the Hydrology Section and Administration for additional hydrologic, policy, and legal review as necessary.
- (4) Preparation of Staff Memorandum. Once the review is complete, the Regional Office will prepare a memorandum, with the concurrence of the State Office if necessary for parallel review, that documents the review and evaluation of the sufficiency of the information submitted and whether processing of the application can continue because there is no clear inconsistency with the criteria set forth in Section 42-222, *Idaho Code*. If it is determined that processing of the application can continue, the Regional Office will complete necessary GIS descriptions, finalize data entry, and draft conditions for entry into Work Flow.
- (5) Rejection or Denial of Application. If it is determined that the application for transfer should be rejected or can not be approved pursuant to Section 42-222, *Idaho Code*, the Regional Office or State Office (for parallel review) will prepare and issue a preliminary order rejecting or denying the application. An application for transfer may be rejected if the applicant fails to provide additional or adequate information pursuant to the requirements in this Section 5. An application for transfer that clearly does not satisfy the criteria set forth in Section 42-222, *Idaho Code*, must be denied. A rejected application may be re-filed when adequate information can be provided; a denied application can not generally be re-filed for substantially the same proposed transfer, unless a showing is made that substantial changes have subsequently occurred such that the criteria set forth in Section 42-222, *Idaho Code*, can potentially be satisfied. In either case, application fees will be retained. Note that notice of a rejected or denied application shall be sent to the applicant by certified mail pursuant to Section 42-222, *Idaho Code*.
- (6) Applicant Contest of Rejection or Denial. If the applicant contests the preliminary order rejecting or denying the application and requests a hearing pursuant to Section 42-1701A, *Idaho Code*, the Regional Office will publish notice of the application for transfer pursuant to Section 42-222, *Idaho Code*, including notice of the contested case, and provide opportunity to protest the application and intervene in the contested case unless published notice is not required for the application as described below.

- (7) Public Notice. If it is determined that processing of the application can continue consistent with the criteria set forth in Section 42-222, *Idaho Code*, the Regional Office will publish notice of the application for transfer. In some cases, published notice of the application may not be required. Pursuant to Section 42-222, *Idaho Code*, the Department has discretion to provide notice as deemed appropriate for applications proposing to change only the point of diversion or place of use in a manner that will not change the effect on the original or hydraulically-connected source or affect other water rights.

The timing of the public notice in these steps should remain flexible in order to streamline or expedite processing of the application. For example, processing time may be reduced by preparation of draft documents during the notice period. However, notice should not be provided prior to determining that the application meets the minimum requirements described in Section 3 and that there is a clear understanding by staff regarding the purpose of the transfer. Premature notice could result in the requirement to republish notice due to changes to an application or could result in unnecessary publication costs where an application is likely to be rejected or denied.

- (8) Preparation of Approval Document. If no protest to the application for transfer is filed under step (7) above, or all protests filed are withdrawn prior to hearing, the Regional Office will finalize an electronic approval document and issue an approved transfer, subject to appropriate conditions, as a preliminary order and complete data updates in Work Flow. For those applications processed in parallel, the Regional office will finalize an electronic approval document and forward the document to the State Office for final approval and data updates.
- (9) Contested Case Proceedings. If protest to the application for transfer is filed under either step (6) or (7) above, a contested case process will be completed. The hearing officer will forward electronically any final order that results from the contested case to appropriate staff to complete data updates in Work Flow.

Gathering Information Needed for Processing. In completing the steps outlined above, additional information may be needed for clarification of the purpose and intent of the proposed change, to further document the information on the application, or to provide a sufficient basis for determining whether the proposed change satisfies the statutory criteria for approval. **The applicant bears the burden of providing sufficient information.** However, staff should locate and assemble information available in the department's records that does not require compilation, interpretation, or analysis by an engineer, geologist, or other technical specialist.

Requests for Additional Information. Correspondence shall be prepared requesting any additional information needed and providing a reasonable period of time for response

(generally 30 days). When additional information is requested from the applicant, the applicant shall be informed of the need for a timely response to avoid delays in processing. The applicant shall also be informed that the application may be rejected if the additional information requested from the applicant is not timely received or is inadequate. The department can grant additional time to submit the required information if the applicant submits a written request for additional time and sufficient justification is provided.

Watermaster Recommendation. Section 42-222, *Idaho Code*, requires that the department shall advise the watermaster of any water district in which the water is used of any proposed change. The department shall not take final action on an application for transfer until the watermaster's recommendation has been received and considered.

Delays or non-response from watermasters results in delays in processing applications. The watermaster shall be informed that a non-response will be considered by the department to be the watermaster's recommendation not objecting to approval of the proposed transfer. Department staff should ensure that all watermasters understand their responsibility to provide recommendations.

Staff to Exercise Judgment. Department staff has discretion to adapt the requirements set forth herein according to the nature and complexity of a proposed transfer. While it is important that the information and documentation requirements are consistently applied, staff is to use sound judgment to avoid asking the applicant for unnecessary information or seeking unnecessary review and comment from other state or local governmental entities as these guidelines are applied.

5a. Evaluation of Authority to File an Application for Transfer.

- (1) Presumption Based Upon Department Ownership Records. For any application for transfer, the department must have sufficient information to determine that the applicant has the authority to seek the proposed change in use of the water right(s). The department can presume, absent information to the contrary, that the applicant is the owner of the right(s) if the department's ownership records maintained pursuant to Sections 42-248 or 42-1409(6), *Idaho Code*, list the applicant as the current owner. The department may need to seek documentation regarding ownership if there is reason to believe that the department's ownership records may be inaccurate. One situation where the department's records may not confirm current ownership is described below.

A transfer application filed to change a right (or part thereof) claimed in a pending adjudication, where the claimed place of use is based on an accomplished transfer pursuant to Section 42-1425, *Idaho Code*, must include adequate documentation demonstrating the applicant's ownership of the right or authority to make the change.

- (2) Other Acceptable Documentation. If the applicant's name does not match the name in the department's records for the current owner of the right(s) sought to be transferred, the applicant must provide evidence of current ownership or authority to make the proposed change(s). Adequate documentation can be a warranty or other deed, title policy, contract of sale or option for purchase by applicant (if contract or option allows the transfer), or other similar document confirming ownership of the water right(s) or the authority to change the water right. See Records Memorandum No. 9 for additional guidance on water right ownership documentation.
- (3) Applicant Does Not Own New Place of Use. If the application for transfer proposes to change the place of use authorized under the water right(s), and the applicant does not own the land at the proposed new place of use, then the applicant must provide documentation that authorizes the change on behalf of the current owner of the proposed new place of use, except when the applicant is a municipal provider, irrigation district, canal company, or other similar entity. Such entities may only need to provide evidence of their authority to provide water for the proposed place of use in instances where evidence of such authority is necessary.
- (4) Conditions on Associated Rights. If an application for transfer proposes a change from or to a system where there is an associated water right that is not listed on the application as a right being transferred, a change to conditions for that right is required (other than changes to conditions resulting from an ownership split), and that right is not owned by the applicant, then the applicant must provide documentation authorizing the change on behalf of the current owner of the associated right.
- (5) Authority to Sign on Behalf of an Applicant. If the application for transfer is signed by someone other than the applicant(s) as listed on the application, documentation is needed to establish that the signatory is a representative of the applicant and is authorized to sign on the applicant's behalf. The documentation can be a copy of a current "power of attorney" authorizing signature on behalf of the applicant, or other similar documentation. An application could also be signed by an officer of a corporation or company, an elected official of a municipality, or any individual authorized by an organization to sign the application for a corporation, company, or municipality (if accompanied by documentation confirming authorization). The signatory's title must be shown with the signature.
- (6) Corporation, Partnership, Joint Venture, Association, or other Business Entity. If the application for transfer is in the name of a corporation,

partnership, joint venture, association, or other business entity, department staff must verify that the organization is a viable and legally recognizable entity. Department staff will conduct a Business Entity Search at the Idaho Secretary of State's website: <http://www.sos.idaho.gov/>. If the Business Entity Search does not confirm that the corporation, partnership, joint venture, association, or other business entity is properly registered in the State of Idaho, department staff will request further clarification from the applicant. The intent of this search is to ensure that the organization is properly identified, including identification of individuals with signature authority and responsibility to conduct the organization's activity. Department staff may utilize other available resources to obtain the necessary information.

- (7) Approval of Irrigation Entity or Legislature. Section 42-108, *Idaho Code*, requires that if the right(s), diversion works, or irrigation system is represented by shares in a corporation, or owned by an irrigation district, no change can be made without the consent of such corporation or irrigation district. This includes the use of such right(s), diversion works, or irrigation system for mitigation purposes related to a proposed transfer. Any permanent or temporary change in period of use or nature of use, in or out-of-state, involving a quantity of water greater than fifty (50) cfs or a storage volume greater than five thousand (5,000) acre-feet must also be approved by the legislature if approved by the department, except that any temporary change within the State of Idaho for a period of less than three (3) years does not require legislative approval.
- (8) Liens, Mortgages, or Contract Restrictions. The department is required to provide notice to the holder of a security interest in any water right(s) proposed to be changed if the security interest holder has filed a request for notice pursuant to Section 42-248(6), *Idaho Code*. If the transfer proposes a change that might impact the value of the land such as moving the place of use or diversion facility to other land or changing the nature of use and the land from which the water right is proposed to be transferred is subject to liens, mortgages, or other contract restrictions affecting the right to transfer the water, a notarized statement or a statement on official letterhead signed by an authorized representative of a mortgage company or similar entity is required from the holder of each such lien, mortgage, or contract (see Transfer Processing Memorandum No. 10).
- (9) Municipal Provider. If an application for transfer proposes to change the nature of use of a water right to municipal purposes in the name of a municipal provider for reasonably anticipated future needs, the applicant must provide documentation to establish its qualifications as a municipal provider as defined in Section 42-202B, *Idaho Code*.

- (10) Agreement not to Divert. The applicant must describe any agreement or commitment not to divert water under the right(s) proposed for transfer such as a lease to the water supply bank (WSB), enrollment in the federal Conservation Reserve Enhancement Program (CREP) or dedication of the right for mitigation purposes.

5b. Evaluation of Water Right Validity.

For any application for transfer, the department must determine the validity of the water right(s), or part thereof, proposed to be changed. The following factors must be considered when processing an application for transfer and may require additional information from the applicant.

- (1) Department Records. For any application for transfer, the department must determine that a right, or part thereof, proposed to be transferred is valid and has not been lost by forfeiture or partial forfeiture. The department will presume, absent other information indicating forfeiture, that the right has not been forfeited if the department's water measurement records, aerial photography, remote sensing, or other information, shows use of water during the previous, consecutive, five-year period. The department will also presume that the right has not been forfeited when it is claimed in a pending adjudication or initially decreed in an adjudication within the previous five-year period. If staff makes a field inspection (all transfers seeking a change to a right evidenced only by a claim are to be field inspected or otherwise reviewed, see Transfer Processing Memorandum No. 1 as revised in Section 5b.(4) below), information must be gathered concerning the current status of diversion and delivery facilities and the apparent recent use of water.
- (2) Other Acceptable Documentation. If the records available to the department do not establish that a right has been used within the previous, consecutive, five-year period (except as provided in (1) above or for a right held by a municipal provider for reasonably anticipated future needs pursuant to Section 42-223(2), *Idaho Code*), the applicant must be asked to provide written documentation demonstrating that the right has been used within that time period. Examples of appropriate documentation include power records for pumps used to divert water under the right, Farm Service Agency (FSA) crop production records, receipts or other evidence of expenditures or revenue from the use of water under the right, and adequate affidavits of objective persons having actual knowledge of the uses of water under the right. Alternatively, if the right has not been used within the previous, consecutive, five-year period, then the applicant must be asked to provide information showing that exceptions or defenses to forfeiture are applicable. Exceptions or defenses to forfeiture include those set

forth in Section 42-223, *Idaho Code*; extensions provided for in Section 42-222, *Idaho Code*; and case law relating to factors such as resumption of use, unavailability of water when needed, or non-use when other water is available. Note that filing an application for transfer does not toll the statutory period for forfeiture of a water right due to non-use.

- (3) Validity of Unchanged Parts of a Water Right. For applications for transfer proposing to change part of a water right or rights, the remaining part(s) of the right(s) that are not involved in the proposed transfer are generally not subject to a finding of forfeiture as part of the transfer action by the department.⁸ In addition, the remaining part(s) of the right(s) are generally not subject to any additional conditions beyond the requirements of the original right(s). However, in some circumstances, department staff may be required to perform a comprehensive forfeiture analysis for the remaining part(s) of the right(s) to determine if a transfer can be approved. For example, a transfer application proposing to change part of the irrigated acres within a permissible place of use may require a comprehensive review of all the acres within the permissible place of use to determine if there are sufficient acres available to be transferred. When there has not been a comprehensive forfeiture analysis performed for the remaining, unchanged part(s) of the right(s), a remark will be included for any remaining part(s) of the right(s) to indicate that an approved transfer does not confirm the validity of the remaining, unchanged part(s) of the right(s).
- (4) Statutory or Beneficial Use Claims. Applications for transfer proposing to change a water right based on a statutory or beneficial use claim must be reviewed to determine the validity, priority date, and extent of beneficial use established under the claimed right. Review must include field verification or other means to verify the right. This memo effectively revises the means of verification as required in Transfer Processing Memorandum No. 1. In addition, the applicant must be asked to provide information confirming the priority date of the claim. Adjudication staff must also be consulted for questions regarding review of the priority date if the claim is filed in a pending adjudication. A transfer approval for the water right (or part thereof) based on a claim shall incorporate the department's findings regarding the validity of the right. If a statutory or beneficial use claim is the basis for a pending claim in an adjudication, adjudication staff shall be notified of the results of the validity review, and the claimant shall be informed of the findings.

⁸ Section 42-350, *Idaho Code* provides a process for revocation of a license at any time after issuance of the license upon a finding by the Director that the water has not been put to beneficial use for a period of five years.

5c. Injury to Other Water Rights

For any application for transfer, the department must determine whether the proposed change will injure any other rights, whether junior or senior in priority to the right being changed. The following factors must be considered when processing a transfer and may require additional information from the applicant.

- (1) Reduction in Quantity of Water Available to Other Water Rights. Whether the amount of water available under an existing water right, senior or junior in priority, will be reduced below the amount recorded by permit, license, decree, or valid claim, or the historical amount beneficially used by the right holder, whichever is less. Consideration of this factor may require an analysis of the timing and location of return flows both before and after a proposed change to determine if the change will reduce the supply available to other water rights.
- (2) Rotation. Whether a proposed change in the point of diversion of a water right that has been delivered in rotation with delivery of other water rights will result in significant additional losses borne by the water rights remaining in rotation.
- (3) Unreasonable Effort or Expense. Whether the holder of an existing water right will be forced to an unreasonable effort or expense to divert water under the existing water right.

Existing ground water rights are subject to reasonable pumping level provisions of Section 42-226, *Idaho Code*, as well as applicable court decisions (e.g., *Parker v. Wallentine*, 103 Idaho 506, 650 P.2d 648 (1982), regarding in part the obligation to pay increased costs to divert an existing right).

An application for transfer that is approved to provide alternate points of diversion from ground water under one or more municipal water rights to develop or expand a common delivery system shall include conditions of approval to identify the point(s) of diversion authorized under each right prior to the transfer. The purpose of the condition is to provide for future administration of water rights in situations where increased municipal pumping over time is determined to cause injury through interference with other nearby wells.

- (4) Unusable Water Quality. Whether the quality of water available to the holder of an existing water right would be made unusable for the purposes of the existing right.
- (5) Mitigation. Whether mitigation would be needed to prevent injury to an existing water right that would be injured otherwise.

Unless agreed to in writing by the holder of an existing right, the only mitigation that can be considered acceptable by the department is the provision of replacement water in the full amount of the injury, at the same time injury would otherwise occur, and of acceptable water quality at the point of diversion for the existing right.

For applications that propose to move the point of diversion for a water right to divert and use ground water from one location to another within the ESPA, including any modeled tributary aquifers, mitigation is required for transfer approval when all of the following conditions occur: (a) the transfer would result in increased depletions (transient or steady state) greater than 10%, to any hydraulically-connected reach of the Snake River; (b) the increased depletion (transient or steady state) to the reach is greater than 2 acre-feet per trimester; and (c) the depletion, at steady-state conditions, to the reach is greater than 10% of the total depletion to all reaches resulting from the diversion under the proposed transfer. When greater increases in such depletions would occur, acceptable mitigation includes reduction in the quantity of ground water diverted and depleted such that there is no increase in depletions (for transient-state increases, no more than 5 percent over pre-transfer depletions so long as deficient mitigation is approximately equal to excess mitigation) for each hydraulically-connected reach of the Snake River requiring mitigation. When this form of mitigation is proposed, the quantity of ground water diverted may be increased periodically (no more frequently than annually) if supported by an analysis of the timing of calculated depletions (transient to steady-state) to reaches of the Snake River that are hydraulically-connected to the ESPA for the points of diversion both before and after the proposed transfer. However, the proposed schedule for increased diversions must be set forth in the application for transfer.⁹ See Section 3(12) for additional guidance.

Increased reach gains from other proposed ESPA transfers (offsetting transfers) can be used to provide part or all of the mitigation necessary for reaches requiring mitigation due to increased depletions (as determined by a stand-alone analysis of each individual transfer as described above). If approved, the transfers will not require mutual dependence for ongoing mitigation. However, any approval issued on the basis of offsetting transfers shall include conditions of approval to address future changes back to the original point(s) of diversion or future changes to a new location. In addition, conditions of approval

⁹ If the transfer is approved with mitigation by reducing the amount of ground water withdrawn, and as a result the reach gains to one or more other hydraulically-connected reaches of the Snake River increase, then the applicant shall retain the right to receive credit for the increased reach gains. Such credits can not currently be used because there is no administrative system in place to recognize such credits. In the event that an administrative system is created in the future whereby such credits available at that time can be recognized, the applicant shall retain the right to the possible future use of such credits, which shall be reflected in a condition of approval for the transfer.

shall be included to address changes that would result in increased impacts to reaches of the Snake River due to differences in priority date between the rights involved in the offsetting transfers. Such changes could result in injury to surface water rights in connected reaches of the Snake River in the event of a curtailment order affecting ground water rights in the ESPA. See the Department's August 13, 2007 memo entitled, "ESPA Transfer Spreadsheet Version 3.1 – Implementation and Use" for further guidance.

- (6) Ground Water Management Area or Critical Ground Water Area. Whether the point of diversion for a ground water right would move from outside the boundaries of a critical ground water area (CGWA) or ground water management area (GWMA) to within the boundaries of a CGWA or GWMA, or whether the point of diversion would move from within the boundaries of a GWMA to within the boundaries of a CGWA.

An application for transfer proposing such a change in the location of the point of diversion for a ground water right is not approvable unless the applicant proposes acceptable mitigation to prevent injury to other water rights. For cold water (85° F or less) GWMAs over the ESPA, mitigation beyond that satisfying condition (4) above will not be required at this time as a condition of approval, unless injury would occur to a water right to divert ground water or injury would occur to a water right to divert surface water that has not been offset by stipulated agreement or through a mitigation plan approved by the department.

- (7) Change of Source. Whether the source would be changed from ground water to surface water, or from surface water to ground water.

Section 42-222, *Idaho Code* does not provide for a change from a ground water to surface water source, or from a surface water to ground water source. An application for transfer proposing such a change in source is not approvable unless the ground water and surface water sources are so interconnected that they constitute the same source for purposes of a proposed change in point of diversion. The ground water and surface water sources must have a direct and immediate hydraulic connection (at least 50 percent depletion in original source from depletion at proposed point of diversion in one day). The existing point of diversion and proposed point of diversion must be proximate such that diversion and use of water from the proposed point of diversion would have substantially the same effect on the hydraulically-connected source as diversion and use of water from the original point of diversion. If such application for transfer is approved, the changed water right shall be administered no differently than any other water right from the surface water source. If approved, the source for a change from a surface water source to a ground water source should be listed as ground water tributary to the surface water source.

- (8) Changing Aquifer Source. Whether a proposed change in point of diversion for a ground water right is from one aquifer to another aquifer.

An application for transfer proposing to change the point of diversion from one distinct aquifer to a totally separate aquifer is not approvable, just as an application for transfer proposing to change the point of diversion for a surface water right from one distinct surface water source to a totally separate surface water source is not approvable.

- (9) Conveyance Losses. Whether the proposed change would move part or all of a right from a canal impacting conveyance losses associated with the delivery of multiple water rights in the canal.

If such application for transfer is otherwise approvable, the approval must require that the applicant retain an appropriate amount of water in the canal to prevent any additional reduction in the amount of water available from the canal to fill other water rights because of the portion of the conveyance losses that, prior to the transfer, were attributable to the right being transferred.

Additional Considerations. In addition to the considerations above, the following information may be needed to evaluate injury involving an application for transfer for a ground water right, depending on the specific circumstances of the proposed transfer. If the information is not available in the department's records, the applicant must provide the following information that department staff determines is necessary:

- (1) Location of Nearby Wells. The location of the nearest production well, including domestic wells, to the proposed point of diversion, and if different, the nearest production well down gradient from the proposed point of diversion (the location of other nearby production wells may also be required);
- (2) Location of Nearby Springs. The location of nearby springs from which water is diverted under existing rights, including domestic uses, that could be affected by ground water diversions from the proposed point of diversion;
- (3) Ground Water Levels. The depth to water, the stability of ground water levels, or the stability of confined aquifer pressures, in the area of the proposed point of diversion; and
- (4) Water-Bearing Zones. The depth and thickness of water-bearing zones, including identification of the zone or zones sought for the proposed use.

5d. Enlargement of Use

For any application for transfer, the department must determine whether the proposed change will enlarge the use of water under the water right(s). Enlargement will occur if the total diversion rate, annual diversion volume, or extent of beneficial use (except for nonconsumptive water rights), exceeds the amounts or beneficial use authorized under the water right(s) prior to the proposed transfer. The following factors must be considered when processing an application for transfer, which may require that additional information be provided by the applicant:

- (1) Diversion Rate, Annual Diversion Volume, and Number of Acres Licensed or Decreed. The authorized diversion rate, annual diversion volume (ground water rights only and certain surface water rights), and number of acres authorized for irrigation (if applicable), as licensed or decreed for the water right, shall not be increased. If the annual diversion volume is not specifically stated on the license or decree for a ground water right, then the amount will be based on the most current standards adopted by the department unless the applicant can show a larger amount has been reasonably diverted and beneficially used.
- (2) Beneficial Use. An application for transfer proposing to change the place of use or nature of use for all or part of a water right or water rights, which change would not result in an equivalent reduction in beneficial use under the original right(s), will be presumed to enlarge the water right(s). For example, hydropower use cannot be added to a right used for irrigation, even though no additional water would be diverted for the hydropower use. The irrigation use, or part thereof, could be changed to hydropower use by reducing the irrigation use by an equivalent amount, or the new use could be provided without reducing the irrigation use by obtaining a new permit to appropriate water for hydropower use.
- (3) Stacked Water Rights. Water rights are "stacked" when two or more water rights, generally of different priorities and often from different sources, are used for the same use and overlie the same place of use. Water rights for irrigating a permissible place of use are not necessarily stacked when the water rights in total provide for irrigating up to the maximum acreage authorized within a permissible place of use. An application for transfer proposing to "unstack" one or more water rights used for irrigation or other use, without changing all the rights for the same use, is presumed to enlarge the water right. However, the place of use for a supplemental irrigation right may be changed for continued use as a supplemental irrigation right at a different place of use without, by definition, enlarging the original right or the supplemental right proposed for transfer, so long as the primary rights at the original and proposed places of use provide comparable water supplies. In other words, use of the supplemental right at the proposed place of use can

not materially exceed use of the supplemental right at the current place of use.

- (4) Changing Supplemental Right to Primary Water Right. A supplemental irrigation right is a stacked water right authorizing the diversion of water for irrigation from a secondary source to provide a full supply for crops when used in combination with a primary right. A supplemental right can provide additional water in conjunction with a primary source, or at times when the primary source is unavailable. The use of a supplemental right is dependent on the supply available under the associated primary right and can be highly variable from year to year. An application for transfer proposing to change a supplemental irrigation right to a use as a primary water right for irrigation or other use will be presumed to enlarge the supplemental right. An exception is when the applicant can clearly demonstrate, using historic diversion records for the supplemental right as described in (5) below, or other convincing water use information, that there would be no enlargement of the water right being changed or other related water rights. Evidence of the quantity of water beneficially used under the primary right must be accompanied by some evidence of the quantity of water used under the supplemental right to qualify as "convincing water use information." The supplemental right must have been used on a regular basis (used more than 50 percent of the time). Insufficient data will be grounds to reject the application because the department will not be able to ascertain if the right will be enlarged.

If an application proposes to change only a portion of a supplemental irrigation right to a use as a primary water right, the application is not approvable unless the extent of beneficial use under all associated rights prior to the transfer will be proportionately reduced or transferred to another place of use to avoid enlargement of the remaining portion of the supplemental right. The associated right(s) will not need to be reduced if the entire supplemental right will be changed through the transfer.

A general exception to the presumption of enlargement when changing a supplemental right to a primary right applies when the supplemental right is a storage right. Section 42-222(1), *Idaho Code*, provides that a transfer of a water right for the use of stored water for irrigation purposes does not constitute an enlargement in the use of the original water right, even when more acres are irrigated, provided that no other water rights are injured.

- (5) Historic Beneficial Use. For an application for transfer seeking to change the nature or purpose of use, or season of use, including for a supplemental water right, the historic extent of beneficial use under the right must not be enlarged. The extent of historic beneficial use may

also have to be considered for other proposed changes in the place of use under some circumstances when there are other sources of water, such as natural subirrigation, even when the purpose of use or period of use are not proposed to be changed. For a transfer seeking to change a water right for irrigation, the consumptive water use based on the cropping pattern or rotation, or estimated from records of water diverted and system efficiency, for the most recent five consecutive years is presumed to provide a reasonable basis to establish historic use under the water right proposed for transfer, unless information provided by the applicant supports using a longer historic period. Exceptions or defenses to forfeiture may also justify extending the time period considered in establishing the historic use prior to the proposed transfer. The highest-year historic consumptive use (i.e. highest-use crop rotation using a climatic average for crop water use estimates), except for supplemental rights, will be the basis for the annual volume of consumptive use available for transfer. When it is necessary to determine the historic consumptive use under a supplemental right, the average annual historic consumptive use, over an appropriately representative time period not less than five years but that may require greater than five years, will be the basis for the volume available for transfer. For supplemental irrigation rights, a representative time period will include years with both good and bad surface water supplies for the area. In some rare instances, the diversion rate, the annual diversion volume, and season of use could also be limited based on the extent of historic use.

Highest

v.

Average

For an application for transfer seeking to change the place of use under a supplemental water right for use in conjunction with a different primary right, the historic extent of beneficial use under the right must not be enlarged. For such changes, information regarding the historic availability or reliability of supply of the rights being supplemented (primary rights), both before and after the proposed change, is presumed to provide a reasonable basis to establish historic use under the supplemental right proposed for transfer.

- (6) Period of Use. An application for transfer, which proposes an increased period of use in connection with a changed nature of use for ground water, is presumed not to be an enlargement in use if the rate of diversion, total annual volume diverted, and annual volume of consumptive use are not increased. However, a change to an increased period of use for a surface water right is presumed to be an enlargement and would cause injury where there are junior priority rights that rely on surface water during the time period outside of the historic period of use for the right proposed to be changed.
- (7) Confined Animal Feeding Operations. For the purpose of quantifying the amount of water needed or used in connection with a confined

animal feeding operation, such as a feedlot or dairy, the water use will be considered fully (100 percent) consumptive.

- (8) Fish Propagation. An application for transfer, which proposes to increase the number or volume of raceways in a fish propagation facility, will not be presumed to be an enlargement of the water right, unless the diversion rate or annual volume of water diverted are proposed to be increased.
- (9) Disposal of Waste Water. An application for transfer filed to provide for the disposal of wastewater, by land application on cultivated fields or other beneficial use disposing of the wastewater, resulting from use of water under non-irrigation uses such as a dairy or other confined animal feeding operation, or "municipal" or "industrial" water rights where the use of water is considered to be fully consumptive, is not considered an enlargement of the commercial, municipal, or industrial water right. While not an enlargement of the water right, such use of wastewater must not injure other water rights (see Application Processing Memorandum No. 61 as revised under Section 1 of this memorandum) and must comply with best management practices required by the Idaho Department of Environmental Quality, the U. S. Environmental Protection Agency, or other state or federal agency having regulatory jurisdiction.
- (10) Enhanced Water Supply. An application for transfer, which proposes to change a point of diversion from a surface water source to a new location where the water available is greater or more reliable, such as moving from the tributary of a stream downstream to the mainstem of the stream, is presumed to enlarge the water right, unless the proposed change is subject to conditions limiting diversion of water at the proposed new point of diversion to times when water is available and in priority at the original point of diversion.
- (11) Water Held for Reasonably Anticipated Future Needs. Section 42-222, *Idaho Code*, provides that when a water right, or part thereof, to be changed is held by a municipal provider for municipal purposes, that portion of the right held for reasonably anticipated future needs can not be changed to a new place of use outside the service area of the municipal provider or to a new nature of use. See Section 42-202B, *Idaho Code* for applicable definitions related to municipal water use.
- (12) Changing the Purpose of Use for a Water Right to Municipal Purposes. An application for transfer, which proposes to convey an established water right to a municipal provider and change the nature of use to municipal purposes, as defined in Section 42-202B, *Idaho Code*, shall not be approved without limiting the volume of water divertible under the right to the historic consumptive use under the water right prior to the

proposed change. If the proposed transfer involves a surface water right, the transfer shall not be approved without also limiting the right to the historic period of use under the right prior to the proposed change.

- (13) Historic Use Recognized for Municipal Purposes. An application for transfer, which proposes to change the nature of use to municipal purposes for a water right established and held by a municipality that lists the purpose(s) of use as some combination of domestic, commercial, industrial, or irrigation, where those uses have historically been essentially for municipal purposes, as defined in Section 42-202B, *Idaho Code*, will not be presumed to be an enlargement of the right and will not require limitation to the historic consumptive use under the right. However, the change will be subject to the annual diversion volume, if specifically stated on the water right license or decree.
- (14) Stored Water. Section 42-222(1), *Idaho Code*, provides that a transfer of a water right for the use of stored water for irrigation purposes does not constitute an enlargement in the use of the original water right, even when more acres are irrigated, provided that no other water rights are injured.
- (15) Conveyance Losses. An application for transfer, which proposes to change the purpose of use for a portion of a water right covering conveyance losses to a use that would provide for irrigating additional acres, or other additional use, is presumed to be an enlargement of the water right.
- (16) Measuring Requirements for Ground Water Diversions in the ESPA and Modeled Tributaries. Any water right transfer authorizing one or more changes to the diversion and use of ground water approved subsequent to the date of this memorandum shall include a condition of approval that requires the installation and maintenance of one or more measuring devices or means of measurement approved by the department. Until and unless changed pursuant to Section 42-701, *Idaho Code*, the following flow meter installation is required for the transferred right prior to diverting and using ground water under the transferred right:
 - a. One or more magnetic flow meters shall be installed, as required by the department, having an accuracy of 0.5 percent of rate of flow for flow velocities between 0.1 and 33 ft/sec in pipe sizes up to 4 inches in diameter and for flow velocities between 0.1 and 20 ft/sec in pipe sizes greater than 4 inches in diameter;
 - b. Each magnetic flow meter must be installed and maintained in accordance with the manufacture's specifications and

equipped with an LCD backlit display unit that displays instantaneous flow rate and total volume of water diverted in accordance with the department's requirements;

- c. Each magnetic flow meter must provide analog output for flow rate, scaled pulse frequency for total volume of water diverted, and an RS232 port for communications.

In any transfer approval, the department may require, prior to diversion under the approved transfer, that each magnetic flow meter must be equipped with a data logger specified by the department and capable of storing 120 days of data including dates and cumulative volume of ground water diverted updated daily, as a minimum. If installation of a data logger is not required at the time of transfer approval, the department will condition the transfer approval that installation of a data logger may be required in the future.

Detailed specifications for the above requirements will be provided by the Water Distribution Section of the department upon request. A municipal provider subject to other measurement provisions that satisfy the department's measuring and reporting requirements are exempt from the above condition. Wells used solely for domestic use as defined under Section 42-111, *Idaho Code* or stockwater use under Section 42-1401A, *Idaho Code* are also exempt from the above condition. Water use for domestic and/or stockwater purposes in addition to any other purpose (e.g. commercial use) in a common system is not exempt from the above condition. Holders of ground water rights seeking approval of a transfer for diversion through existing systems or for irrigation systems may request a variance from the above requirements (at any time before or after approval), which may or may not be granted.

5e. Local Public Interest

For any application for transfer, the department must consider whether the proposed change(s) are in the local public interest as defined in Section 42-202B(3), *Idaho Code*. Consistent with earlier guidance herein regarding use of discretion and sound judgment, department staff is to address pertinent items from the following list, as well as other issues that are pertinent to specific circumstances, in considering whether sufficient information has been provided regarding local public interest issues and effects on the public water resource. When there are one or more significant questions about whether a particular transfer would be in the local public interest, additional information from the applicant or comments from other state or local governmental entities that have germane expertise on local public interest issues must be sought. In most cases, the applicant should gather the information and submit it to the department rather than department staff sending a form letter to other agencies seeking comment, unless the

local agency requests direct contact with the department. Staff should inform the applicant of their responsibility to provide the information to the department.

- (1) Recreation, Fish, and Wildlife Impacts. The effect the proposed transfer could have on the public water resource in relation to recreation, fish, and wildlife resources in the local area that would be affected by the proposed change (Transfer Processing Memoranda Nos. 19 and 21 provide guidance related to state protected river reaches and minimum stream flow reaches);
- (2) Water, and Hazardous Substance Standards. Whether the proposed transfer would comply with applicable water and hazardous substance standards designed to protect the public water resource;
- (3) Local and State Requirements. Whether the proposed transfer would comply with local government and state government, if any, planning and zoning ordinances, regulations, records of decisions, or policies affecting the public water resource (e.g. requirement of a local government to use surface water for irrigation for developments involving land use changes pursuant to Section 67-6537, *Idaho Code* is considered an expression of local public interest);
- (4) Neighboring Jurisdictions. Whether the proposed transfer would comply with existing requirements for land use and other uses of natural resources affecting the public water resource, if any, adjacent to the place of use proposed by the transfer but beyond the jurisdiction of the local government having authority or control over the proposed place of use; and
- (5) State Water Plan. Whether the proposed transfer would be compatible with the objectives and policies of the State Water Plan pertaining to the local public interest.

5f. Beneficial Use and Conservation of Water Resources

For any application for transfer, the department must consider whether the proposed use of water is a beneficial use consistent with the conservation of water resources within the State of Idaho. The following factors must be considered when processing a transfer and may require additional information from the applicant:

- (1) Efficiency of Diversion and Use. Whether the water delivery and distribution/application systems for the use proposed by the transfer would be consistent with contemporary standards for reasonably efficient use of water.
- (2) Diversion Rates for Irrigation Use. Whether the proposed transfer, if involving irrigation, proposes a diversion rate in excess of 0.02 cfs per

acre of land irrigated (see Section 42-220, *Idaho Code*), and if the application for transfer proposes a higher diversion rate, whether the higher rate would be justified based on soils, crop types, irrigation system, climate, and reasonable conveyance losses from the point of diversion to the place of use. A higher diversion rate may also be justified for irrigating lands that because of public access can only be irrigated during certain times of the day (see Application Processing Memorandum No. 60). For the irrigation of five acres or less, justification is not necessary for a diversion rate of up to 0.03 cfs per acre (see Application Processing Memorandum No. 17). If the right proposed for transfer is based on a decree or license authorizing a diversion rate greater than 0.02 cfs per acre, then additional justification is not necessary unless:

- a. The proposed transfer would change the place of use to a new place of use, rather than simply rearranging acreage at the general location of the existing place of use;
- b. The proposed transfer would change the point of diversion with the intent to abandon the existing conveyance system and replace it with a new conveyance system that would reduce conveyance losses; or
- c. The proposed transfer would add additional rights to an existing place of use from the same source as the existing water right(s) at the place of use.

- (3) State Water Plan. Whether the proposed transfer would be compatible with the objectives and policies of the State Water Plan pertaining to beneficial use and conservation of water resources.

5g. Effect on Economy of Local Area

In the case where the proposed place of use is outside of the watershed or local area where the source of water originates, the department must consider whether the overall effects of the change proposed by the transfer would adversely impact the economy of the watershed or local area. The economic effect of the proposed transfer should be measured by assessing the following factors resulting from the change in use of water:

- (1) Changes in Employment. Estimated changes in current and projected short-term and long-term employment;
- (2) Changes in Economic Activity. Estimated changes to short-term and long-term changes in economic activity; and
- (3) Stability of Economic Activity.

5h. Effect on Agricultural Base of the Local Area

Section 42-222(1), *Idaho Code*, provides that a change in nature of use from agricultural use shall not be approved if it would significantly affect the agricultural base of the local area. Department staff should presume the phrase "change in nature of use from agricultural use" can only be significant if the application for transfer proposes a change in nature of use for irrigation rights. Other water rights may authorize use in a process that is related to agriculture, such as commercial use for a dairy or an industrial use for a potato processing plant, but these uses are usually small enough compared to irrigation uses that a proposed change in these uses is presumed to not be significant. It is possible that a change in nature of use of a fish propagation water right authorizing diversion of a large flow rate might invoke this provision if fish propagation is interpreted to be an agricultural use.

The boundaries of the "local area" may be determined by considering one or any combination of the following:

- (1) the boundaries of local government or the combined boundaries of local governments that cooperatively share plans for transportation, recreation, environmental quality, and similar water uses;
- (2) the boundaries of any taxing entities or districts created, including school districts, that rely directly upon tax receipts for businesses that might be affected by a reduction in agricultural production;
- (3) areas of common socio-economic values and operations, including those created by a) water delivery entities, b) similar agricultural crops grown, or c) the areas where agricultural processing facilities derive the agricultural products processed, or;
- (4) natural geographic features that separate various areas, particularly hydrologic basin separations.

Whether the change would significantly affect the local agricultural base may be determined by considering one or any of the following factors:

- (1) Financial Impacts on Local Governments. The financial impact the change will have on local governments, combinations of local governments, taxing entities, or districts within the local area that derived income from the agricultural use;
- (2) Financial Impacts on Others. The financial impact the change will have on water delivery entities, the ability of farmers to continue to grow and harvest the crops previously grown, and the ability of processors of agricultural products to obtain the products necessary for business viability;

- (3) Agricultural Job Displacement. The degree to which those working in agriculture will be displaced or will lose income resulting from the proposed change;
- (4) Agrarian Lands. The degree to which agrarian lands are taken out of production; or
- (5) Financial Impact on Overall Economy. The financial impact on the overall agricultural economy of a local area.

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APPENDIX J

Appendix J WATER RIGHT 63-31871 EXCHANGE APPROVAL

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EXCHANGE OF WATER

This is to certify that: UNITED WATER IDAHO INC
PO BOX 7488
BOISE ID 83707
(208)362-1300

has requested an exchange of water for the water right(s) listed below. This exchange of water is authorized pursuant to the provisions of Section 42-240, Idaho Code. A summary of the exchange of water is also listed below. A complete description of the water rights involved and the conditions of approval of the exchange are shown on the following pages of this document.

Summary of Water Rights Involved in the Exchange

Right	Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
2-2341	License	12/28/1964	12.52 cfs	2817 af		626.0	SNAKE RIVER
2-2358	License	07/28/1964	14.5 cfs	3262.5 af		725.0	SNAKE RIVER
2-2420	License	12/31/1963	14.08 cfs	3168 af		704.0	SNAKE RIVER
COMBINED			35.21 cfs	9247.5 af		2055.0	
TOTALS							

Summary of Exchange of Water

This exchange of water authorizes United Water Idaho Inc. to divert, for irrigation purposes within its authorized service area, up to 35.21 cfs from the Boise River in exchange for the same amount under water rights 2-2341, 2-2358 and 2-2420 from the Snake River and subject to the conditions of approval of this exchange. The amount of flow made available through non-diversion under the Snake River water rights will remain in the Snake River to and below the mouth of the Boise River to fully replace the exchanged amount diverted from the Boise River. This exchange shall be cross-referenced under water right no. 63-31871 for the purpose of identification of the diversions from the Boise River.

Dated this

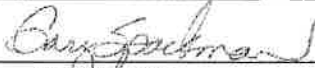
26th

day of

April

20

04


Chief, Water Allocation Bureau

WATER RIGHT NO. 63-31871

Water Right No. 63-31871 describes the authorized Exchange of Water including conditions of approval.

Right Holder: UNITED WATER IDAHO INC
PO BOX 7488
BOISE ID 83707

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	35.21 CFS	9247.5 AF
			35.21 CFS	9247.5 AF

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER	L7 (SENE)	Sec. 14	Twp 03N	Rge 02E	ADA County
BOISE RIVER	L6 (NWNE)	Sec. 4	Twp 02N	Rge 03E	ADA County

PLACE OF USE: IRRIGATION

See Conditions of Approval

CONDITIONS OF APPROVAL

The following approval conditions apply to the Exchange of Water under water right nos. 2-2341, 2-2358, and 2-2420 for water to be diverted from the Boise River pursuant to the provisions of §42-240, Idaho Code. This exchange shall be cross-referenced under water right no. 63-31871 for the purpose of identification of the diversions from the Boise River.

1. The water right holder's diversion from the Boise River under the Exchange shall occur only during times when the United States Bureau of Reclamation (Bureau) is providing flow augmentation water from Boise River reservoirs pursuant to the NOAA Fisheries flow augmentation program. The water right holder shall not divert from the Snake River under water right nos. 2-2341, 2-2358, and 2-2420 during any calendar year it diverts water from the Boise River as authorized by the Exchange. Leaving water in the Snake River that would have been diverted under water right nos. 2-2341, 2-2358, and 2-2420 replaces a like amount of water at the mouth of the Boise River that the water right holder diverts from the Boise River pursuant to this Exchange. The water right holder's Boise River diversions under this Exchange shall be:

- a. used solely for irrigation purposes within the water right holder's service area;
- b. controlled by the Boise River Watermaster. The Boise River and its tributaries are currently designated as Basin 63 in the Department's records. The water right holder shall install controlling works approved by the Department and the Boise River Watermaster;

- c. measured through the use of weirs and totalizing flow meters, as approved by the Department and the Boise River Watermaster, as well as through the use of any additional means of measurement that may be approved or required by the Department and the Boise River Watermaster, and records of such measurements shall accurately document: diversion rate, volume for identifiable time periods, time periods of diversion, and data to confirm that the water diverted was used solely for irrigation purposes; and;
 - d. reported annually to the Department and the Boise River Watermaster on or before November 1, of each year, which reports shall include, at a minimum, the measurement data and records specified in the preceding paragraph, and also shall include any additional data or records specified by the conditions of this Exchange or by a future order of the Department related to measurement and reporting.
- 2. The water right holder's diversions from the Boise River under this Exchange shall not exceed the lesser of:
 - a. The instantaneous rate or volume of the Bureau's Boise River reservoir releases for the NOAA Fisheries flow augmentation program, or
 - b. The instantaneous rate at which water is available in priority under the Snake River water rights and is being delivered in the Snake River and administered in accordance with Idaho law to the confluence of the Boise and the Snake Rivers, not to exceed 35.21 cfs.
 - c. A total annual diversion volume of 9,247.5 acre-feet of water.
- 3. At any time when the Exchange would otherwise be in effect, if measured or calculated Boise River flows at either of the water right holder's two alternate points of diversion from the Boise River, are less than 240 cfs, or diversion at either point of diversion would reduce Boise River flows below 240 cfs during the period beginning June 1 and ending February 29, then the Exchange shall be limited to provide for not less than 240 cfs of flow in the Boise River. If measured or calculated Boise River flows at either of the two alternate points of diversion from the Boise River are less than 1,100 cfs, or diversion at either point of diversion would reduce Boise River flows below 1,100 cfs during the period beginning March 1 and ending May 31, then the Exchange shall be limited to provide for not less than 1,100 cfs of flow in the Boise River. Measured or calculated Boise River flows at the points of diversion shall be based on gauged Lucky Peak Dam discharge minus diversion to the New York Canal. If the benchmark stream maintenance flows of 240 cfs (from June 1 to February 29) and 1,100 cfs (from March 1 to May 31) subsequently change, then the water right holder's diversion of Boise River flows will be limited to provide for the new benchmark flows.
- 4. The Bureau is not expected or required to alter its operations in any way to accommodate the Exchange. The Exchange depends upon the Bureau's release of storage water pursuant only to the Bureau's discretion in fulfilling the terms of Idaho Code § 42-1763B and the NOAA Fisheries flow augmentation program, including the delivery and accounting of such releases by the Boise River Watermaster. The water right holder is not entitled to demand that any of these storage releases occur or that any release occur at any particular time or in any particular amount.
- 5. The water right holder's diversion and use of water from the Boise River pursuant to this Exchange shall not conflict with applicable water bank rules, including any rules governing the Boise River Rental Pool, and shall not adversely affect the ability of any irrigation entity to rent and receive storage water through the Boise River Rental Pool under such rules, including, without limitation, any irrigation entity's entitlement to benefit from the preference for irrigation uses as specified therein.

6. The water right holder's diversion and use of water from the Boise River pursuant to this Exchange shall be accounted for in the water right holder's portfolio of water rights that may be recognized now or in the future in relation to any approved planning horizon, existing water rights holdings, or future needs volume. The Snake River water rights shall not be diverted from alternate points of diversion for the water right holder's ground water rights.

7. Approval of this Exchange by the Department is not part of and does not support the NOAA Fisheries Program, and shall not be construed to be a part of or to support the NOAA Fisheries Program. However, if NOAA Fisheries or any court determines that this Exchange inhibits the Bureau's ability to comply with the flow augmentation program, then Boise River diversions under the Exchange will terminate until such time, if ever, that NOAA Fisheries or such court determines the Exchange does not inhibit the Bureau's ability to comply with the flow augmentation program.

8. Approval of this Exchange by the Department has no bearing upon the status of claims to Boise River storage water that are or that may be filed in the Snake River Basin Adjudication and has no bearing upon any contract with the Bureau for the storage and use of water in the Boise River reservoirs.

9. The Department monitors the below-Milner Snake River reach at the Murphy gage. At any point the Department, or any future watermaster on this reach, determines all or a portion of the exchanged Snake River water rights are out of priority (i.e. that there is an insufficient amount of flow in the Snake River to fill all or a portion of those water rights), the Department or the watermaster for the below-Milner Snake River reach will immediately notify the Boise River Watermaster. In turn, the Boise River Watermaster will preclude diversion of a comparable amount of Boise River water under this Exchange as is currently unavailable to fill the exchanged Snake River water rights.

10. The water right holder must be a municipal provider under Idaho Law.

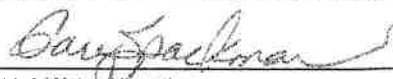
11. Points of diversion authorized from the Boise River under this Exchange are described as T3N, R2E, Sec. 14, L7(SENE) (Marden Street Water Treatment Plant) and T2N, R3E, Sec. 4, L6(NWNE) (Columbia Bench Water Treatment Plant).

12. Place of use authorized under this Exchange is within the service area of United Water Idaho Inc. as provided for under Idaho law. The place of use is generally described as within the city limits of Boise and the surrounding service area.

13. The diversion and use of water described in this Exchange may be subject to additional conditions and limitations agreed to by the protestants and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.

14. Failure of the right holder to comply with conditions of this Exchange is cause for the Director to rescind approval of this Exchange.

Dated this 26th day of April, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 2-2341

Water Right No. 2-2341 is described as follows, subject to the conditions of approval of the exchange.

Right Holder: UNITED WATER IDAHO INC
PO BOX 7488
BOISE ID 83707

Priority Date: December 28, 1964

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	12.52 CFS	2,817.0 AF
			12.52 CFS	2,817.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER L4 (SWNE) Sec. 35 Twp 01S Rge 01W ADA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
01S 01W 16	39.0	39.0	40.0	39.0	39.0	37.0	39.0	40.0	40.0	39.0	39.0	39.0	39.0	39.0	40.0	39.0	39.0	626.0

Total Acres: 626

CONDITIONS OF APPROVAL

1. This right when combined with rights 2-2358 and 2-2420 shall not exceed 35.21 cfs.

This water right 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.

Dated this 26th day of April, 2004


Chief, Water Allocation Bureau

WATER RIGHT NO. 2-2358

Water Right No. 2-2358 is described as follows, subject to the conditions of approval of the exchange.

Right Holder: UNITED WATER IDAHO INC
PO BOX 7488
BOISE ID 83707

Priority Date: July 28, 1964

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	14.50 CFS	3,262.5 AF
			14.50 CFS	3,262.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER L4 (SWNE) Sec. 35 Twp 01S Rge 01W ADA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 01W 26					38.0	38.0	38.0	39.0	38.0	40.0							231.0
01S 01W 27	40.0	38.0	39.0	40.0	37.0	37.0	37.0	37.0					29.0				334.0
01S 01W 28	40.0	40.0	40.0	40.0													160.0

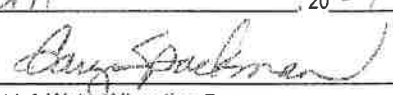
Total Acres: 725

CONDITIONS OF APPROVAL

1. This right when combined with rights 2-2420 and 2-2341 shall not exceed 35.21 cfs.

This water right 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.

Dated this 26th day of April, 2004


Chief, Water Allocation Bureau

WATER RIGHT NO. 2-2420

Water Right No. 2-2420 is described as follows, subject to the conditions of approval of the exchange.

Right Holder: UNITED WATER IDAHO INC
PO BOX 7488
BOISE ID 83707

Priority Date: December 31, 1963

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15 to 11/15		14.08 CFS	3,168.0 AF
			14.08 CFS	3,168.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER L4 (SWNE) Sec. 35 Twp 01S Rge 01W ADA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	01W	26	38.0	38.0	39.0	38.0													233.0
01S	01W	35	39.0	38.0	39.0	39.0	39.0	39.0	39.0	39.0									471.0

Total Acres: 704

CONDITIONS OF APPROVAL

1. This right when combined with rights 2-2341 and 2-2358 shall not exceed 35.21 cfs.

This water right 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.

Dated this 26th day of April, 2004


Chief, Water Allocation Bureau

APPENDIX K

Appendix K IDWR TRANSFER PROCESSING MEMO #16

This Guidance Document is not new law but is an agency interpretation of existing law. For more information or to provide input on this document, please contact the Water Rights Section Manager at 208-287-4860. (Feb. 2020)

ADMINISTRATOR'S MEMORANDUM

To: Water Management Division
Adjudication Bureau

Application Processing Memo #52
Licensing Memo #9
Transfer Processing Memo #16
Adjudication Memo #39

From: Norman C. Young *NY*

Re: STANDARDS FOR IRRIGATION CONSUMPTIVE USE REQUIREMENTS,
IRRIGATION FIELD HEADGATE REQUIREMENTS, AND IRRIGATION SEASON OF
USE

Date: October 12, 1999

A new 1:1,000,000 scale map of the "Irrigation Season of Use" presents a new standard for use in water right adjudication and water right licenses, permits, and transfers. A reduced reproduction of the map is attached to this memo; the reduced reproduction is for illustrative purpose only. The official version of the map is in digital format and can be accessed by contacting the Adjudication Bureau. A full-size copy of the map is available in the SRBA map case.

The 1:1,000,000 scale map of the state of Idaho dated December 1991 and entitled "Consumptive Irrigation Requirement, Field Headgate Requirement and Season of Use" is still necessary for the Consumptive Irrigation and Field Headgate Requirements. A reduced reproduction of the map is also attached to this memo; the reduced reproduction is for illustrative purpose only. An official copy of the map is available in the SRBA map case.

The purpose of these maps is to provide consistent standards in a simple format. Further information concerning the foundation for these standards is available from Jeff Peppersack.

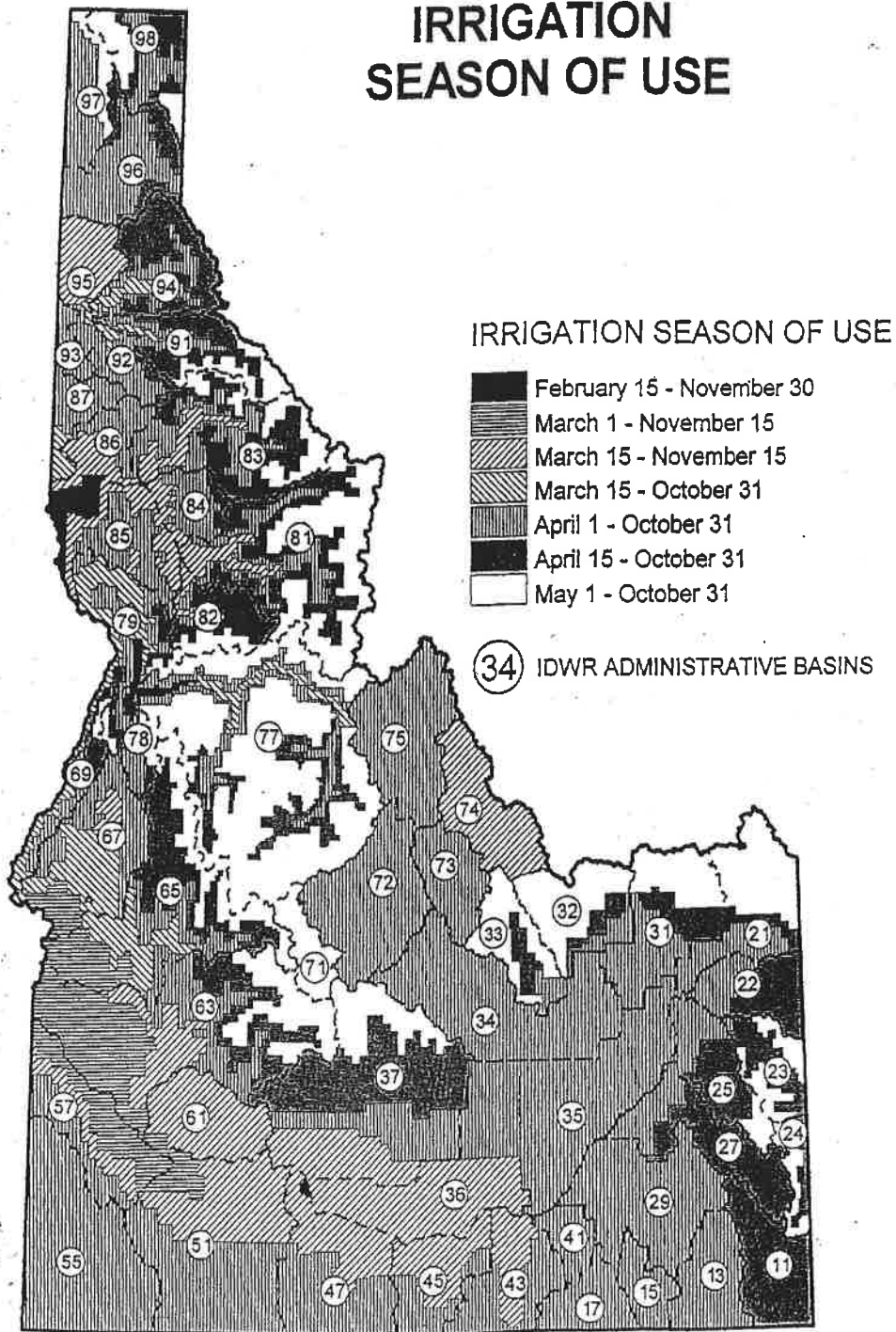
The standard season from the new map is to be used for a new permit regardless of the season stated on the application unless it can be shown to the satisfaction of the director that a different season of use is necessary. Likewise, the standard season from the new map is to be used for a new license regardless of the season stated on the permit unless it can be shown to the satisfaction of the director that a different season of use is necessary.

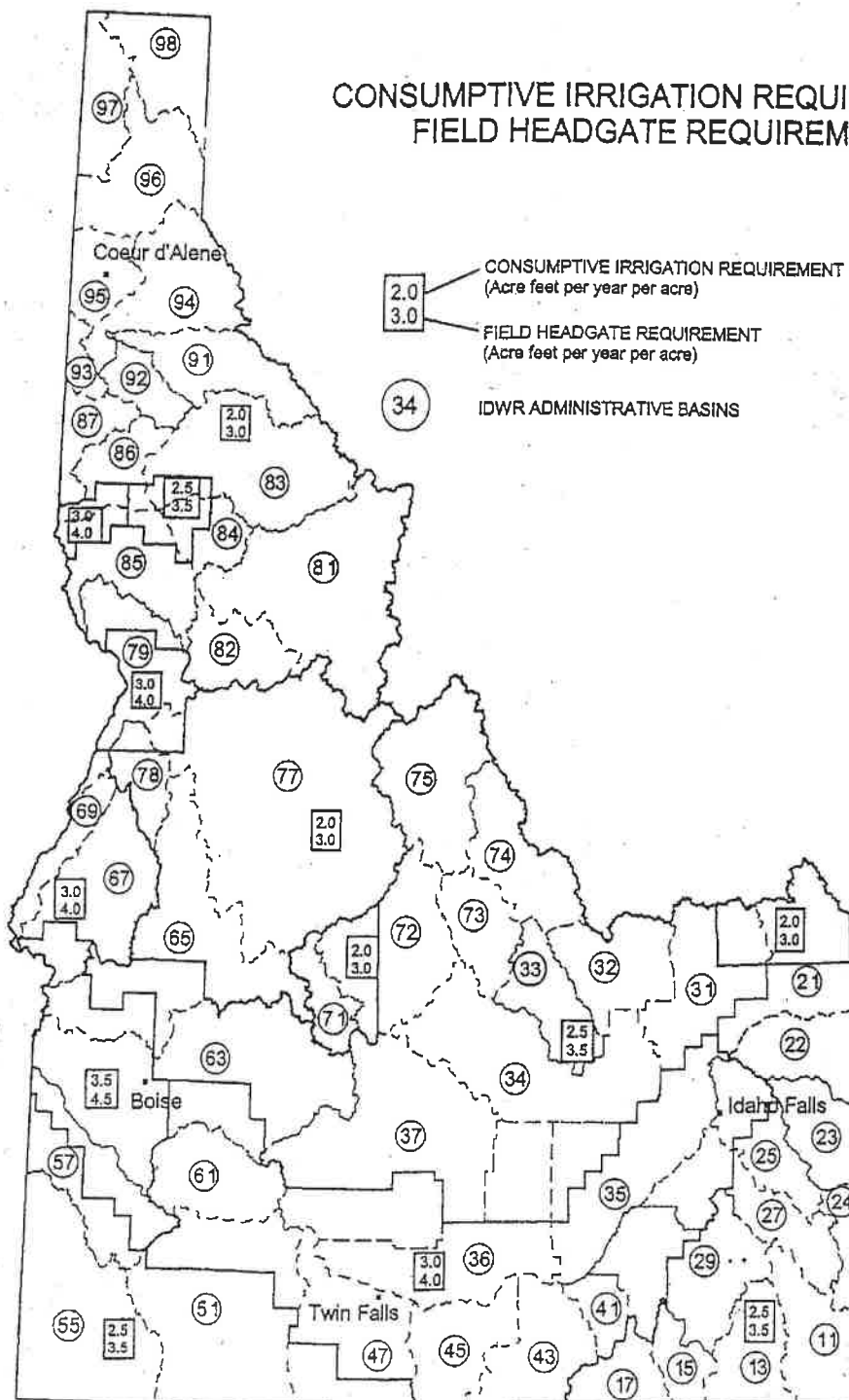
For a transfer of a license or decreed water right, the transfer approval should retain the licensed or decreed season. However, when the new standard season is longer than the licensed or decreed season, an approval condition like the following may be added:

The period of use for the irrigation described in this approval may be extended to a beginning date of new standard and an ending date of new standard provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before licensed or decreed date and after licensed or decreed date is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

The standard season from the new map is to be used for recommendations in the SRBA as described in the Claim Investigation Handbook.

IRRIGATION SEASON OF USE





APPENDIX L

Appendix L EMAIL FROM SUEZ RE 2019 PRODUCTION DATA

Michael P. Lawrence

From: Newbry, Robert <Robert.Newbry@suez.com>
Sent: Thursday, October 22, 2020 1:01 PM
To: Michael P. Lawrence
Cc: Cooper, Catherine
Subject: 2019 Monthly Production Data

Mike,

Below is a table of our total 2019 production data by month in million gallons.

2019 SUEZ Total Production Data	
Month	MG
Jan	667.87
Feb	601.24
Mar	680.64
Apr	851.17
May	1,413.58
Jun	1,874.29
Jul	2,359.78
Aug	2,342.61
Sep	1,643.69
Oct	940.24
Nov	669.43
Dec	674.07
Total	14,718.60

Regards,

Robert "Kurt" Newbry, P.G.
Hydrogeologist
Idaho Operations

SUEZ
8248 W. Victory Rd.
Boise, ID 83708
Tel: 208 501 5042
Robert.newbry@suez.com



Please think twice before printing this email.

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APPENDIX M

Appendix M PARTIAL DECREE FOR RIGHT NO. 63-123F

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT - SRBA
TWIN FALLS CO, IDAHO
FILED
2009 SEP 4 PM 12 39

In Re SRBA)
)
Case No. 39576)
)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-00123F

NAME AND ADDRESS: LEXINGTON HILLS INC
1815 E STONYBROOK CT
EAGLE, ID 83616

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.385 CFS

The right holder is entitled to the quantity of water decreed
herein at the point of redirection from the Farmer's Union Canal.

PRIORITY DATE: 06/01/1864

POINT OF DIVERSION: T03N R02E S05 NESENE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	1.385 CFS

Diversion for irrigation under this water right prior to April 1
and after October 31 shall occur only as authorized by the Water
District 63 Water Master and only when water is being released
for flood control by the United States from the Lucky Peak Dam
outlet under procedures and requirements for the Memorandum of
Agreement between the U.S. Department of the Army and the U.S.
Department of the Interior for Flood Control Operations of the
Boise River Reservoirs, dated November 20, 1953, the Water
Control Manual for Boise River Reservoir dated April 1985 and
any future amendments or revisions made thereto pursuant to
state or federal procedures or law; provided that any such use
of this water right prior to April 1 and after October 31 shall
be subordinated to water rights for storage in Lucky Peak
Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson
Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 136.8 ACRES WITHIN
THE BOUNDARY OF THE LEXINGTON HILLS SUBDIVISION, THE LEXINGTON
HILLS EAST SUBDIVISION, AND LEXINGTON ON THE RIM. THE PLACE OF
USE FOR THIS RIGHT DOES NOT OVERLAP WITH THE PLACE OF USE FOR
RIGHT NO 63-123G.

The boundary encompassing the place of use for this water right
is described with a digital boundary as defined by I.C. Section
42-202B(2) and authorized pursuant to I.C. Section
42-1411(2)(h). The data comprising the digital boundary are
incorporated herein by reference and are stored on a CD-ROM disk
issued in duplicate originals on file with the SRBA District
Court and the Idaho Department of Water Resources. A map
depicting the place of use is attached hereto to illustrate the
place of use described by the digital boundary.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The ability to transfer this water right pursuant to Idaho Code
Section 42-222 is contingent upon a finding by the Department
that such transfer will not be cause for the Department to
further limit the use of water right 63-11413.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 63-00123F File Number: 00210

PAGE 1
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SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John H. McLean
Presiding Judge of the
Snake River Basin Adjudication

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 63-00123F File Number: 00210

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