

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83946**

This is to certify that: **BLAINE COUNTY RECREATION DISTRICT
1050 FOX ACRES RD STE 107
HAILEY, ID 83333-0020**

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-23219	WR/DECREED	1/3/1967	N/A	0.3 af	N/A	3.0	QUIGLEY CREEK
37-23220	WR/DECREED	12/16/1977	0.060 cfs	9.8 af	N/A	3.0	QUIGLEY CREEK
37-23221	WR/DECREED	4/15/1880	0.030 cfs	N/A	N/A	3.0	QUIGLEY CREEK
37-23222	WR/DECREED	7/21/1966	0.050 cfs	9.0 af	N/A	3.0	GROUND WATER
37-23223	WR/DECREED	10/28/1969	0.050 cfs	1.5 af	N/A	3.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-23219	NO	YES	YES	NO	NO	NO
37-23220	NO	NO	YES	NO	NO	NO
37-23221	NO	NO	YES	NO	NO	NO
37-23222	NO	NO	YES	YES	NO	NO
37-23223	NO	NO	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-23219	37-23219	N/A	0.3 af	N/A	3.0	N/A	N/A	N/A	N/A	N/A
37-23220	37-23220	0.060 cfs	9.8 af	N/A	3.0	N/A	N/A	N/A	N/A	N/A
37-23221	37-23221	0.030 cfs	N/A	N/A	3.0	N/A	N/A	N/A	N/A	N/A
37-23222	37-23222	0.050 cfs	9.0 af	N/A	3.0	N/A	N/A	N/A	N/A	N/A
37-23223	37-23223	0.050 cfs	1.5 af	N/A	3.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.110 cfs	N/A	N/A	3.0		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 37-23219

Transfer No. 83946

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 83946

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 15th day of June, 2020.



Southern Region Manager



WATER RIGHT NO. 37-23219**As Modified by Transfer No. 83946**

In accordance with the approval of Transfer No. 83946, Water Right No. 37-23219 is now described as follows:

Right Holder: BLAINE COUNTY RECREATION DISTRICT
1050 FOX ACRES RD STE 107
HAILEY, ID 83333-0020

Priority Date: 1/3/1967

Source: QUIGLEY CREEK

Tributary: SINKS

BENEFICIAL USE

IRRIGATION FROM STORAGE
IRRIGATION STORAGE

From

04/01
04/01

to
to

To

11/01
11/01

Diversion Volume

0.3 af
0.3 af
0.3 af

LOCATION OF POINT(S) OF DIVERSION

QUIGLEY CREEK L2 (SEWNNE) Sec 2 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION FROM STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	10				2.2									0.8				3.0

POU Total Acres: 3.0

PLACE OF USE: IRRIGATION STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	2	X	X		X													
			L 1	L 2															

CONDITIONS OF APPROVAL

1. Rights 37-23219 & 37-23220 when combined shall not exceed a total annual maximum storage volume of 0.3 af.
2. Rights 37-23219, 37-23220, & 37-23221 when combined shall not exceed a total diversion rate of 0.06 cfs, and a total annual maximum diversion volume of 10.5 af at the field headgate.
3. Rights 37-23219, 37-23220, 37-23221, & 37-23222 when combined shall not exceed a total annual maximum diversion volume of 10.5 af at the field headgate and the irrigation of 3.0 acres.

Transfer No. 83946

WATER RIGHT NO. 37-23219
As Modified by Transfer No. 83946

CONDITIONS OF APPROVAL

4. Rights 37-23219, 37-23220, 37-23221, 37-23222, and 37-23223 when combined shall not exceed a total annual maximum diversion volume of 10.5 af at the field headgate and the irrigation of 3.0 acres.
5. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. 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.
8. This right does not grant any right-of-way or easement across the land of another.
9. Place of use is located within Block 10, Quigley Farm Large Block Plat Subdivision.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 37-23220**As Modified by Transfer No. 83946**

In accordance with the approval of Transfer No. 83946, Water Right No. 37-23220 is now described as follows:

Right Holder: BLAINE COUNTY RECREATION DISTRICT
1050 FOX ACRES RD STE 107
HAILEY, ID 83333-0020

Priority Date: 12/16/1977

Source: QUIGLEY CREEK

Tributary: SINKS

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	04/01	to 11/01	0.060 cfs	9.8 af
IRRIGATION FROM STORAGE	03/01	to 09/30		0.3 af
IRRIGATION STORAGE	03/01	to 09/30	0.060 cfs	0.3 af
				9.8 af

LOCATION OF POINT(S) OF DIVERSION

QUIGLEY CREEK L2 (SEWNNE) Sec 2 Twp 02N Rge 18E BLAINE 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	
02N	18E	10				2.2									0.8				3.0

POU Total Acres: 3.0

PLACE OF USE: IRRIGATION FROM STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	10				2.2									0.8				3.0

POU Total Acres: 3.0

PLACE OF USE: IRRIGATION STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	2	X	X		X													
			L 1	L 2															

Transfer No. 83946

WATER RIGHT NO. 37-23220

As Modified by Transfer No. 83946

CONDITIONS OF APPROVAL

1. Rights 37-23219 and 37-23220 when combined shall not exceed a total annual maximum storage volume of 0.3 af.
2. Rights 37-23219, 37-23220, & 37-23221 when combined shall not exceed a total diversion rate of 0.06 cfs, and a total annual maximum diversion volume of 10.5 af at the field headgate.
3. Rights 37-23219, 37-23220, 37-23221, & 37-23222 when combined shall not exceed a total annual maximum diversion volume of 10.5 af at the field headgate and the irrigation of 3.0 acres.
4. Rights 37-23219, 37-23220, 37-23221, 37-23222, and 37-23223 when combined shall not exceed a total annual maximum diversion volume of 10.5 af at the field headgate and the irrigation of 3.0 acres.
5. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. 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.
8. This right does not grant any right-of-way or easement across the land of another.
9. Place of use is located within Block 10, Quigley Farm Large Block Plat Subdivision.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 37-23221

As Modified by Transfer No. 83946

In accordance with the approval of Transfer No. 83946, Water Right No. 37-23221 is now described as follows:

Right Holder: BLAINE COUNTY RECREATION DISTRICT
1050 FOX ACRES RD STE 107
HAILEY, ID 83333-0020

Priority Date: 4/15/1880

Source: QUIGLEY CREEK **Tributary:** SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	to 10/31	0.030 cfs
			0.030 cfs

LOCATION OF POINT(S) OF DIVERSION

QUIGLEY CREEK L2 (SEWNNE) Sec 2 Twp 02N Rge 18E BLAINE 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	
02N	18E	10				2.2									0.8				3.0

POU Total Acres: 3.0

CONDITIONS OF APPROVAL

1. Rights 37-23219, 37-23220, & 37-23221 when combined shall not exceed a total diversion rate of 0.06 cfs, and a total annual maximum diversion volume of 10.5 af at the field headgate.
2. Rights 37-23219, 37-23220, 37-23221, & 37-23222 when combined shall not exceed a total annual maximum diversion volume of 10.5 af at the field headgate and the irrigation of 3.0 acres.
3. Rights 37-23219, 37-23220, 37-23221, 37-23222, and 37-23223 when combined shall not exceed a total annual maximum diversion volume of 10.5 af at the field headgate and the irrigation of 3.0 acres.
4. Rights 37-19736 & 37-23221 are for the entire flow of Quigley Creek, originally determined to be 2.28 cfs.
5. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

Transfer No. 83946

WATER RIGHT NO. 37-23221

As Modified by Transfer No. 83946

CONDITIONS OF APPROVAL

6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. 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.
8. This right does not grant any right-of-way or easement across the land of another.
9. Place of use is located within Block 10, Quigley Farm Large Block Plat Subdivision.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 37-23222**As Modified by Transfer No. 83946**

In accordance with the approval of Transfer No. 83946, Water Right No. 37-23222 is now described as follows:

Right Holder: BLAINE COUNTY RECREATION DISTRICT
1050 FOX ACRES RD STE 107
HAILEY, ID 83333-0020

Priority Date: 7/21/1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	06/01	to 10/01	0.050 cfs	9.0 af
			0.050 cfs	9.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSENE	Sec 10 Twp 02N Rge 18E	BLAINE County
GROUND WATER	NWNWSE	Sec 10 Twp 02N Rge 18E	BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	10				2.2									0.8				3.0

POU Total Acres: 3.0

CONDITIONS OF APPROVAL

1. Rights 37-23222 & 37-23223 when combined shall not exceed a total diversion rate of 0.05 cfs and the irrigation of 3.0 acres.
2. Rights 37-23219, 37-23220, 37-23221, & 37-23222 when combined shall not exceed a total annual maximum diversion volume of 10.5 af at the field headgate and the irrigation of 3.0 acres.
3. Rights 37-23219, 37-23220, 37-23221, 37-23222, and 37-23223 when combined shall not exceed a total annual maximum diversion volume of 10.5 af at the field headgate and the irrigation of 3.0 acres.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 83946

WATER RIGHT NO. 37-23222

As Modified by Transfer No. 83946

CONDITIONS OF APPROVAL

6. 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.
7. This right does not grant any right-of-way or easement across the land of another.
8. Place of use is located within Block 10, Quigley Farm Large Block Plat Subdivision.
9. The use of water for irrigation under this right may begin as early as April 15 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before June 1 and after October 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than July 29, 2011.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 37-23223

As Modified by Transfer No. 83946

In accordance with the approval of Transfer No. 83946, Water Right No. 37-23223 is now described as follows:

Right Holder: BLAINE COUNTY RECREATION DISTRICT
1050 FOX ACRES RD STE 107
HAILEY, ID 83333-0020

Priority Date: 10/28/1969

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

0.050 cfs

0.050 cfs

Diversion Volume

1.5 af

1.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SWSENE

Sec 10 Twp 02N Rge 18E BLAINE County

GROUND WATER

NWNWSE

Sec 10 Twp 02N Rge 18E BLAINE 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	
02N	18E	10				2.2									0.8				3.0

POU Total Acres: 3.0

CONDITIONS OF APPROVAL

1. Rights 37-23222 & 37-23223 when combined shall not exceed a total diversion rate of 0.05 cfs and the irrigation of 3.0 acres.
2. Rights 37-23219, 37-23220, 37-23221, 37-23222, and 37-23223 when combined shall not exceed a total annual maximum diversion volume of 10.5 af at the field headgate and the irrigation of 3.0 acres.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. 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.

Transfer No. 83946

WATER RIGHT NO. 37-23223
As Modified by Transfer No. 83946

CONDITIONS OF APPROVAL






6. This right does not grant any right-of-way or easement across the land of another.
7. Place of use is located within Block 10, Quigley Farm Large Block Plat Subdivision.
8. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
9. This right is based upon an enlargement of Right No. 37-23222 pursuant to Section 42-1426, Idaho Code.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Attachment to Transfer # 83946
37-23219 & 37-23220

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

18E



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

0 0.035 0.07 0.14 Miles



State of Idaho
Department of Water Resources

Attachment to Transfer # 83946

37-23219 & 37-23220

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



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

0 0.225 0.45 0.9 Miles



State of Idaho
Department of Water Resources

Attachment to Transfer # 83946

37-23220 & 37-23221

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



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

0 0.225 0.45 0.9 Miles



State of Idaho
Department of Water Resources






Attachment to Transfer # 83946

37-23222 & 37-23223

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

18E



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

0 0.05 0.1 0.2 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 15, 2020

BLAINE COUNTY RECREATION DISTRICT
1050 FOX ACRES RD STE 107
HAILEY ID 83333-0020

Re: Transfer No: 83946

Water Right No(s): 37-23219, 37-23220, 37-23221, 37-23222, 37-23223

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,



Corey Skinner
Southern Regional Manager

Enclosure

C:

JAMES P SPECK
SPECK & AANESTAD PC
PO BOX 987
KETCHUM ID 83340-0998

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

CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

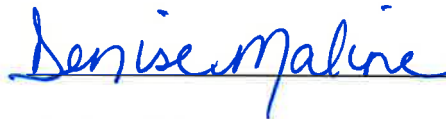
Re: Transfer No.: 83946

Water Right No(s): 37-23219, 37-23220, 37-23221, 37-23222, 37-23223

BLAINE COUNTY RECREATION DISTRICT
1050 FOX ACRES RD STE 107
HAILEY ID 83333-0020

JAMES P SPECK
SPECK & AANESTAD PC
PO BOX 987
KETCHUM ID 83340-0998

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



Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: June 1, 2020
To: Transfer #83946, Blaine County Recreation District File
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to change the place of use (POU) and modify some points of diversion (POD) for two ground water and three Quigley Creek rights, with a total flow rate of 0.11 cfs. The ground water rights are currently authorized to divert from an existing well located approximately 0.9 mile east of the intersection of Bullion St. and Main St. in Hailey. The transfer proposes to add an existing well located approximately 1.2 miles east of Hailey to allow for diversion from two wells. One Quigley Creek right, which is currently diverted at a point approximately 1.2 miles east and 0.1 mile north of Hailey, will change its POD to an existing diversion located approximately 1.7 miles upstream on Quigley Creek. That right also proposes to change its irrigation storage POU from its current location on Quigley Creek, 1.2 miles east and 0.1 mile north of Hailey, to an existing reservoir 1.7 miles upstream on Quigley Creek. The transfer also proposes to change the irrigation POU for all five rights from its present location, approximately 1.6 miles east of Hailey, to a location approximately 1.2 miles east of Hailey.

Because the transfer involved changing and adding PODs, it was advertised and public comment was sought. No protests were received. The transfer is located within WD-37 and Watermaster comments were solicited. The Watermaster did not oppose the transfer.

- **Authority to File:**
The Department's database indicates that water rights 37-23219, 37-23220, 37-23221, 37-23222, and 37-23223 are owned by the applicant, Blaine County Recreation District. The application was signed by Jim Keating, the executive director of the Blaine County Recreation District. His position there is confirmed by the BCRD website.
- **Water Right Validity:**
Rights 37-23219, 37-23220, 37-23221, 37-23222, and 37-23223 were decreed in the SRBA in 2011. Recent aerial imagery indicates that irrigation may have occurred on the property the water is being transferred from, so forfeiture may not be an issue.
- **Injury to Other Water Rights:**
None anticipated or foreseen. Other rights which appear to share the downstream reservoir location, both as a POD and a POU, are: 37-8283; and the parent rights of the Quigley Creek rights in this transfer, 37-2784A, 37-7693, and 37-19736. Because the downstream reservoir no longer exists, the effect of the transfer on the other rights is unclear, but likely minimal.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated. The transfer was advertised and public comment was sought. No protests were received.

- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated
- **Effect of the Agricultural Base of the Area:**
None Anticipated

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

AFFIDAVIT of PUBLICATION

State of Idaho
County of Blaine

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

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 6th day of May, 20 20, and the date of the last publication was on the 13th day of May, 20 20

Subscribed and sworn to before me this 13 day of May, 20 20.



Connie N. Johnson
NOTARY PUBLIC
RECEIVED
MAY 18 2020
DEPT OF WATER RESOURCES
SOUTHERN REGION

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

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

Number of Picas per Line 11.5
Number of Lines in Notice 111
Number of Insertions 2

Lines tabular at 9.0 cents/pica
111 Lines straight at \$102.12 8.0 cents/pica
111 Subsequent lines at \$89.36 7.0 cents/pica
TOTAL COST \$191.48

COPY OF NOTICE

Legal Notice
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
71-11002
UNITED STATES OF AMERICA
ACTING THROUGH
USDA FOREST SERVICE
370 AMERICAN AVE
JEROME, ID 83338-6162
Point of Diversion SWNE S7 T07N R14E BLAINE County Source GROUND WATER Tributary
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 03-06-2020
Place Of Use: DOMESTIC T07N R14E S7 SWNE
Application for permit proposes to divert 0.04 cfs from a proposed well for domestic purposes for an existing recreational summer home. Proposed point of diversion and place of use is located approximately 3.3 miles east and 18.3 miles south of the highway 21 & 75 intersection in Stanley. This application proposes the diversion and use of water from ground water tributary to the Salmon River Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for domestic purposes.

✓ Am 5/21/2020

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 83946**

BLAINE COUNTY RECREATION DISTRICT, 1050 FOX ACRES RD STE 107, HAILEY, ID 83333-0020 has filed Application No. 83946 for changes to the following water rights within BLAINE County(s): Right No(s). 37-23219, 37-23220, 37-23221, 37-23222, 37-23223. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to

change the place of use (POU) and modify some points of diversion (POD) for two ground water and three Quigley Creek rights, with a total flow rate of 0.11 cfs. The ground water rights are currently authorized to divert from an existing well located approximately 0.9 mile east of the intersection of Bullion St. and Main St. in Hailey. The transfer proposes to add an existing well located approximately 1.2 miles east of Hailey to allow for diversion from two wells. One Quigley Creek right, which is currently diverted at a point approximately 1.2 miles east and 0.1 mile north of Hailey, will change its POD to an existing diversion located approximately 1.7 miles upstream on Quigley Creek. That right also proposes to change its irrigation storage POU from its current location on Quigley Creek, 1.2 miles east and 0.1 mile north of Hailey, to an existing reservoir 1.7 miles upstream on Quigley Creek. The transfer also proposes to change the irrigation POU for all five rights from its present location, approximately 1.6 miles east of Hailey, to a location approximately 1.2 miles east of Hailey.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **May 26, 2020**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

**PUBLISH
IDAHO MOUNTAIN EXPRESS
MAY 6 & 13, 2020**

✓ dm
5/21/2020

RECEIVED

MAY 06 2020

DEPT OF WATER RESOURCES
SOUTHERN REGION

State of Idaho
Department of Water Resources
RECOMMENDATION FORM

RE: Transfer No. 83946

Water Right No(s): 37-23219, etc.

Transfer Applicant's Name:

BLAINE COUNTY RECREATION DISTRICT
1050 FOX ACRES RD STE 107
HAILEY, ID 83333-0020

Recommendation:

- a) _____ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

The transfer proposes to change the place of use for three acres and modify some points of diversion (POD) for two ground water (37-23222, 37-23223) and three Quigley Creek rights (37-23219, 37-23220, 37-23221), with a total flow rate of 0.11 cfs. The POD on one Quigley Creek right is proposed to move to an existing POD located approximately 1.7 miles upstream. Approval of the transfer should have minimal negative impacts on fish and wildlife resources in the area.

Dept of Fish & Game



Signature

Keats Conley

Printed Name