

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 83767

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED

NOV 18 2019

Department of Water Resources
Eastern Region

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Fish Haven Water Users Company

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☐ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☒ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☐ #10 Other. Please describe: _____

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DEPARTMENT OF WATER RESOURCES

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JUL 10 2019

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Fish Haven Water Users Company Phone (208)530-0058
Mailing address C/O David Cottle 2629 US HWY 89 Fish Haven ID 83287 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Randall C Budge Phone (208)232-6101
Mailing address Racine Olson PO Box 1391 Pocatello ID 83204 Email randy@racineolson.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

William D Stock
Signature of Applicant or Authorized Representative

WILLIAM D STOCK President
Print Name and Title if applicable

3 July 2019
Date

Randall C. Budge
Signature of Applicant or Authorized Representative

Randall C. Budge, Attorney
Print Name and Title if applicable

Nov. 14, 2019
Date

** RE: Amendment.*

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☒ Change nature of use
 ☐ Add diversion point(s)
☒ Change period of use
 ☒ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

The purpose of this transfer is to add municipal and mitigation as places and purposes of use for water that will be diverted year-round through Fish Haven Pipeline Company's ("Pipeline Company") pipeline. The pipeline is regulated as a "public water supply" system (continued in Attachment Part 1A.3 on page 2.1)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued
Attachment Part 1A.3

This transfer is being filed to accomplish three objectives. One, add year-round municipal as a purpose of use for the water represented by 84.4 shares purchased by the Fish Haven Pipeline Company ("Pipeline Company") and some of its shareholders from Fish Haven Water Users Company ("Irrigation Company"). Two, add year-round municipal and mitigation as purposes of use for 100 Irrigation Company shares to be acquired and conveyed to the Pipeline Company for future hookups. Three, to identify the property covered by Irrigation Company shares as a large place of use ("large POU").

Water delivered by the Pipeline Company qualifies for designation as municipal because the Idaho Department of Environmental Quality regulates the pipeline as a "public water supply" system under Idaho Code § 42-202(2). Hence, IDWR recognizes the Pipeline Company as a municipal provider, and municipal use applies to the variety of applications for the water it delivers. Municipal use as defined by the Idaho Department of Water Resources ("IDWR") includes "domestic, irrigation, stockwater, fire protection, commercial, industrial, and any other water uses incidental to the functioning of a city."

Early in its existence, the Pipeline Company required prospective shareholders to provide water for their use. Shareholders accomplished this by purchasing Irrigation Company shares. The Pipeline Company then delivered water based on the shares to the shareholders for in house use and irrigation associated with the home. This practice resulted in the Pipeline Company and its shareholders owning 84.4 Irrigation Company shares. Those shares represent 6.58% of the 1283.02 shares issued by the Irrigation Company and equate to 1.95 cubic feet per second ("CFS") of the 29.6 CFS claimed under 11-4022. The application lists municipal use for the 1.95 CFS with a reduction to the quantity of water for irrigation from 29.6 CFS down to 27.65 CFS. Attachment #8a shows the year-round diversion of the 1.95 CFS is limited to 110.03 acre-feet to prevent enlarging the Irrigation Company water right.

Recognizing the demand for becoming a shareholder in the Pipeline Company, the company realized it needed to formalize a policy for obtaining a water supply. The company accomplished this task by amending Article 6.2(e) of its bylaws. The new Article states the purchaser of a share in the Pipeline Company must "transfer and deliver one (1) share of stock in Fish Haven Water Users Company to provide water in accordance with the Company's water right mitigation plan(s)." An evaluation of where in the Pipeline Company's service area development can occur found the potential for 100 new hookups in addition to the current shareholders. Most of this growth is expected to occur in the NW1/4 Section 14, Twp 16S, Rge 43E, B.M. containing 60 contiguous acres of irrigated farmland appurtenant to 60 Irrigation Company shares. Complying with Article 6.2(e) would result in the possible purchase of 100 Irrigation Company shares, which constitutes 7.79% of the 1283.02 shares issued by the Irrigation Company and equates to 2.31

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued
Attachment Part 1A.3

CFS at full build-out. Permit 11-7847, issued to the Pipeline Company authorizes the development of a supplemental groundwater right for the same 100 new hookups. The actual number of hookups developed under this transfer and a determination of the amount of water designated for municipal and mitigation use is contingent on IDWR's final decision on the extent of beneficial use under Permit 11-7847. Depletion analysis from surface irrigation of other hay for the 100 shares shows an annual depletion of 130.36 acre-feet/year, which is the maximum volume of water available for diversion without enlarging the Irrigation Company's water right.

Each new share issued by the Pipeline Company entitles a shareholder to one ¾ inch diameter outlet or hookup to the main pipeline. For a domestic connection, the shareholder can use the water in one home and irrigate up to ½ acre in conjunction with the home. Other uses associated with municipal use individually can't exceed 13,000 gallons per day.

For clarification, the use of water for mitigation is listed twice in Part 1B.1 because it applies to two separate obligations. The mitigation of 1.45 CFS from Fish Haven Creek pertains to a previously approved transfer and mitigation plan of Sam's Hollow Water Company. The 2.31 CFS applies to the mitigation required for using groundwater under permit 11-7847 and is accomplished by discharging spring water back into Fish Haven Creek.

In Part 1B.4, rather than describing the irrigated acres in each 1/41/4 of the place of use, the land served by the Irrigation Company is identified as a large POU. On Attachment #7a, the green line outlines the large POU served by the Irrigation Company. The large POU doesn't include a few 1/41/4s listed in previous places of use. However, there are several new 1/41/4s which contain approximately 235 irrigated acres. The 1/41/4s marked with the letter M identify the service area for the Pipeline Company and the place of use for the 1.95 CFS and 2.31 CFS listed in Part 1B.1. The M represents both municipal and mitigation uses. The area outlined in yellow on Attachment #7a represents the service area for the Pipeline Company.

Below are the calculations for the filing fee:

Change in Nature	\$250
CFS for added acres in large POU	
(235 ac/1212 ac) X 29.6 CFS = 5.73 CFS	
CFS being transferred	
1.95 CFS + 2.31 CFS = 4.26 CFS	
Fee for total CFS	
5.73 CFS + 4.26 CFS = 9.99 CFS	
	\$1220
Total filing fee	\$1470

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	11-4022	27.65	Irrigation	4-15 to 10-31	Fish Haven Cr > Bear Lake
☐ ☐		4.51	Mitigation	4-15 to 10-31	Fish Haven Cr > Bear Lake
☐ ☐		1.95	Municipal	1-1 to 12-31	Spring > Fish Haven Cr
☐ ☐		2.31	Mitigation	1-1 to 12-31	Spring > Fish Haven Cr
☐ ☐		2.31	Municipal	1-1 to 12-31	Spring > Fish Haven Cr
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 29.6 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 4.26 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			Place of use for irrigation is identified as a large POU outlined in green on Attachment #7a																
16S	43E	14		M	M		M	M	M	M	M	M	M	M		M			
				Lt-1	Lt-2		Lt-1			Lt-2	Lt-3		Lt-4			Lt-3			
		15				M													
		22	M			M									M			M	
						Lt-1									Lt-2			Lt-3	
Description of POU for M continued on POD/POU Supplement, page 3.1																			Total Acres (for irrigation use)

Description of POU for M continued on POD/POU Supplement, page 3.1

Total Acres (for irrigation use)

Ident. No. 83767

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

[illegible]

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

[illegible]

83767

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

The five ditch diversions are equipped with measuring devices for daily monitoring. The pipeline diversion is equipped with an inline totalizing flow meter.

- b. Who owns the property at the point(s) of diversion? Bureau of Land Management and private individuals.

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: Ditches have been in place and used for decades. Easements and rights of way are already established.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

As Irrigation Company shares are conveyed to the Pipeline Company and used for municipal and mitigation purposes, irrigation ceases on the appurtenant acres.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Fish Haven Pipeline Company filed statutory claim 11-4270 for diversion of 4.0 cfs for domestic and irrigation from the same spring tributary to Fish Haven Creek listed as a point of diversion on 11-4022 though the legal descriptions on the two filings are different.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 11-4022

Current Owner: FISH HAVEN WATER USERS CO
Priority Date: 5/18/1871
Origin: Water Right
Status: Active
Basis: Statutory Claim

Source

FISH HAVEN CREEK
SPRING

Tributary

BEAR LAKE
FISH HAVEN CREEK

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION	04/15 to 10/31
MITIGATION	04/15 to 10/31
<u>Total Diversion</u>	

29.6 CFS
4.51 CFS
29.6 CFS

Location of Point(s) of Diversion

FISH HAVEN CREEK BEAR LAKE County	NW NW1/4SW1/4	Sec. 14,	Twp 16S,	Rge 43E B.M.
FISH HAVEN CREEK BEAR LAKE County	NW1/4NE1/4SE1/4	Sec. 15,	Twp 16S,	Rge 43E B.M.
FISH HAVEN CREEK BEAR LAKE County	NE1/4NW1/4SE1/4	Sec. 15,	Twp 16S,	Rge 43E B.M.
FISH HAVEN CREEK BEAR LAKE County	SW1/4NW1/4NE1/4	Sec. 16,	Twp 16S,	Rge 43E B.M.
SPRING BEAR LAKE County	SW1/4NW1/4NE1/4	Sec. 16,	Twp 16S,	Rge 43E B.M.
FISH HAVEN CREEK BEAR LAKE County	NW1/4SE1/4NE1/4	Sec. 16,	Twp 16S,	Rge 43E B.M.

Place of Use

IRRIGATION Within BEAR LAKE County

T15S R43E S35		SWNE	15.00	T15S R43E S35		SENE	5.00
T15S R43E S35		NESW	3.00	T15S R43E S35		SESW	8.00
T15S R43E S35		NESE	23.00	T15S R43E S35		NWSE	33.00
T15S R43E S35		SWSE	20.00	T15S R43E S35	Lot 1	SESE	20.00
T16S R43E S2	Lot 4	SWNE	25.00	T16S R43E S2	Lot 3	SENE	13.00
T16S R43E S2	Lot 2	NESE	27.00	T16S R43E S2	Lot 1	SESE	28.00
T16S R43E S10		NWSE	37.00	T16S R43E S10		SWSE	40.00
T16S R43E S10		SESE	18.00	T16S R43E S11	Lot 1	NWNE	16.00
T16S R43E S11	Lot 2	SWNE	9.00	T16S R43E S11		NENW	10.00
T16S R43E S11	Lot 2	SENE	9.00	T16S R43E S11	Lot 3	NESW	6.00
T16S R43E S11		NWSW	40.00	T16S R43E S11	Lot 4	SESW	35.00
T16S R43E S11	Lot 3	NWSE	5.00	T16S R43E S11	Lot 4	SWSE	4.00
T16S R43E S14	Lot 1	NWNE	10.00	T16S R43E S14	Lot 2	SWNE	15.00
T16S R43E S14	Lot 1	NENW	40.00	T16S R43E S14		NWNW	30.00
T16S R43E S14		SWNW	36.00	T16S R43E S14	Lot 2	SENE	31.00
T16S R43E S14	Lot 3	NESW	40.00	T16S R43E S14		NWSW	40.00
T16S R43E S14	Lot 4	SWSW	35.00	T16S R43E S22		NENE	40.00
T16S R43E S22		NWNE	40.00	T16S R43E S22		SWNE	40.00
T16S R43E S22	Lot 1	SENE	30.00	T16S R43E S22		NENW	40.00
T16S R43E S22		NWNW	13.00	T16S R43E S22		SWNW	17.00
T16S R43E S22		SENE	22.00	T16S R43E S22		NESW	10.00
T16S R43E S22		NWSW	20.00	T16S R43E S22		SWSW	24.00
T16S R43E S22		SESW	15.00	T16S R43E S22	Lot 2	NESE	18.00
T16S R43E S22		NWSE	26.00	T16S R43E S22		SWSE	38.00
T16S R43E S22	Lot 3	SESE	5.00	T16S R43E S23	Lot 1	NWNW	20.00
T16S R43E S27	Lot 1	NENE	13.00	T16S R43E S27		NWNE	15.00
T16S R43E S27		SWNE	7.00	T16S R43E S27	Lot 2	SENE	10.00
T16S R43E S27		NWNW	17.00	T16S R43E S27		SWNW	6.00

Total Acres: 1212

Place of Use: MITIGATION same as IRRIGATION

Conditions of Approval:

1. R43 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).
2. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
3. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. T08 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. Water associated with the mitigation use will continue to be diverted into the Fish Haven Water Users Company's delivery system, however the portion identified for mitigation purposes shall be conveyed to Bear Lake, and irrigation use under this right by Sams Hollow Water Company shall be proportionately reduced.
6. T20 Approval of this transfer does not confirm the validity of this water right.
7. Mitigation use under this right is subject to the continued adherence to the provisions of the water management and operation plan required under Permits 11-7481, 11-7491 and 11-7796.
8. Transfers 72318 and 79903 authorize a portion of water right 11-4022 for mitigation use in the maximum amount of 4.51 cfs and 184.7 irrigated acres. Irrigation use under this right will be reduced proportionately to the irrigation use associated with the Domestic and Commercial uses of Permits 11-7481, 11-7491 and 11-7796 during the development period of the Permits. The official record for this water right will be changed upon determination of the extent of beneficial use developed and subsequently licensed under Permits 11-7481, 11-7491, and 11-7796 to show the specific rate and acres permanently removed from irrigation use that will be dedicated solely to mitigation use.
9. R05 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. 11.



Application for Transfer: Attachment #7a

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3 Continued
Attachment #8a Consumptive Use Analysis

Depletion Analysis of Water Supply for Proposed Development by 100 FHWUC Shares and Distributed to 100 Shareholders in FHPC

CFS Equivalent of FHWUC Shares

Water Right No. 11-4022			
Diversion rate	29.6 cfs		
Irrigated acres	1212		
Total shares on system	Based on Stock Certificates	1283	0.945 ac/share
FHWUC shares conveyed to FHPC development	100		
% of FHPC development shares of total	7.79 %		
CFS equivalent of FHWUC shares conveyed to FHPC	2.31 cfs		at 0.02307 cfs/share

Depletion Attributed to Irrigation in FHWUC .

Area irrigated per share based on stock certificates	0.945 ac/share
Acres irrigated by 100 shares (ac/share X shares)	94.47 ac
* Depletion from surface irrigation of other hay	1.38 AF/ac
Annual depletion from irrigating 56.68 acres of other hay	130.36 AF/yr

Depletion Attributed to Domestic Use in Homes Connected to Sewer District

Based on "Procedures for Estimating Depletion in the Lower Bear River Basin in Idaho" by Robert W. Hill, P.E., Ph.D., January 27, 2003. Calculation layout based on original calculations created by Brockway Engineering, PLLC for Water Right Nos. 11-7481 and 11-7491 for Sams Hollow Water Company.

Domestic Potable Water - Home Sites with Sewer District

Potable (culinary) water supplied from water supply system
Wastewater to St Charles Sewer District

Number of Lots	60		
Average occupancy	4 persons		
Average daily diversion demand - potable	100 gpd		
Average daily demand - potable/connection	400 gpd		Utah ave. day vol.
Combined Total Daily Development Volume	24,000 gpd		
Average Annual % Occupancy 4.8 mo	40.2 %		146.73 days
Annual Volume Used	3,521,520 gal	=	10.8 ac-ft
Percent depletion of culinary water in-house	5 %		
Annual volume of culinary water in-house depletion	176,076 gal	=	0.54 ac-ft
Wastewater from culinary in-house water use (to sewer)	3,345,444 gal	=	10.27 ac-ft
Est. % depletion from drain field treatment	100 %		
Volume of depletion from wastewater disposal (sewer)	3,345,444 gal	=	10.27 ac-ft
Annual vol. depletion of culinary water - home sites on sewer	3,521,520 gal	=	10.81 ac-ft

Depletion Attributed to Irrigation in Proposed Development

Lots in proposed development	100 Lots
Total acres of irrigated turf at 0.5 acres per lot	50 acres
* Depletion from sprinkle irrigation of Turf	1.25 AF/ac
Annual depletion from irrigating 50 acres of turf	62.5 AF/yr
Annual vol. of depletion for 100 home sites, each with 0.5 acre of irrigation.	73.31 AF/yr

Municipal Potable Water - Site with Sewer District

Average daily demand - potable	13,000 gpd		
Average Annual % Occupancy	90 %		
Annual Volume Used	4,270,500 gal		
Est. % depletion from drain field treatment	100 %		
Annual vol. depletion - sites on sewer	4,270,500 gal	=	13.11 ac-ft
Remaining balance of depletion			43.95 ac-ft

Footnote:

* Designates depletion value listed in Robert W. Hill Report sighted above.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3 Continued
Attachment #8a Consumptive Use Analysis

Depletion Analysis of Water Supplied by 84.4 FHWUC shares and Distributed to 200 Shareholders in FHPC

CFS Equivalent of FHWUC Shares

Water Right No. 11-4022		
Diversion rate	29.6 cfs	
Irrigated acres	1212	
Total shares on system	Based on Stock Certificates	1283
FHWUC shares conveyed to FHPC development	84.4	0.945 ac/share
% of FHPC development shares of total	6.58 %	
CFS equivalent of FHWUC shares conveyed to FHPC	1.95 cfs	at 0.02307 cfs/share

Depletion Attributed to Irrigation in FHWUC .

Area irrigated per share based on stock certificates	0.945 ac/share
Acres irrigated by 84.4 shares (ac/share X shares)	79.73 ac
* Depletion from surface irrigation of other hay	1.38 AF/ac
Annual depletion from irrigating 79.73 acres of other hay	110.03 AF/yr

Depletion Attributed to Domestic Use in Homes Connected to Sewer District

Based on "Procedures for Estimating Depletion in the Lower Bear River Basin in Idaho" by Robert W. Hill, P.E., Ph.D., January 27, 2003. Calculation layout based on original calculations created by Brockway Engineering, PLLC for Water Right Nos. 11-7481 and 11-7491 for Sams Hollow Water Company.

Domestic Potable Water - Home Sites with Sewer District

Potable (culinary) water supplied from water supply system
Wastewater to St Charles Sewer District

Number of Lots	200	
Average occupancy	4 persons	
Average daily diversion demand - potable	100 gpcd	
Average daily demand - potable/connection	400 gpd	Utah ave. day vol.
Combined Total Daily Development Volume	80,000 gpd	
Average Annual % Occupancy	4.8 mo	40.2 %
Annual Volume Used	11,738,400 gal	= 146.73 days
Percent depletion of culinary water in-house	5 %	= 36.0 ac-ft
Annual volume of culinary water in-house depletion	586,920 gal	= 1.80 ac-ft
Wastewater from culinary in-house water use (to sewer)	11,151,480 gal	= 34.22 ac-ft
Est. % depletion from drain field treatment	100 %	
Volume of depletion from wastewater disposal (sewer)	11,151,480 gal	= 34.22 ac-ft
Annual vol. depletion of culinary water - home sites on sewer	11,738,400 gal	= 36.02 ac-ft

Depletion Attributed to Irrigation in Proposed Development

Lots in proposed development	200 Lots
Average acres irrigated over 200 lots	0.296 ac/lot
Total acres of irrigated turf at an average of 0.296 acres per lot	59.2 Acres
Depletion from sprinkle irrigation of Turf	1.25 AF/ac
Annual depletion from irrigating 59.2 acres of turf	74 AF/yr
Annual vol. of depletion for 200 home sites, each with .296 acre of irrigation.	110.02 AF/yr

Footnote:

* Designates depletion value listed in Robert W. Hill Report sighted above.

November 14, 2019

James Cefalo
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

RECEIVED
NOV 18 2019
Department of Water Resources
Eastern Region

**Re: Fish Haven Pipe Line Company, Inc. – Fish Haven Water Users
Company – Transfer Application**

Dear James:

For filing and processing, enclosed please find the original and extra copy of an Amended Application for Transfer of Water Rights to replace the July 10, 2019 Application submitted on behalf of Fish Haven Water Users Company, together with a check for additional filing fees in the amount of \$890.00 to bring the total to \$1,470.00.

This filing is a companion to and in support of the recent Permit 11-7847 issued on August 16, 2019 to Fish Haven Pipe Line Company, Inc., specifically Condition No. 8 which states as follows:

“8. Prior to filing the proof of beneficial use for this right, the right holder shall file a transfer application to change the nature of use of a portion of water right 11-4022 from irrigation use to domestic and mitigation use for all of the shares in the Fish Have Water Users Company held to mitigate for this right.”

Please file the original and conform stamp and return the extra copy in the stamped and addressed return envelope. Kindly advise when this Application is ready to be published as I wish to notify in advance the Applicant, Fish Haven Pipe Line Company, Inc. and also PacifiCorp and Bear River Canal Company who were protestants to Permit 11-7847, stipulated to the issuance of the Permit and should be expecting to see and not surprised by this Transfer Application which we hope will be approved without question or protest.

Thank you for your assistance. If you have any questions, please don't hesitate to contact me.

Sincerely,



RANDALL C. BUDGE

RCB:ts
Enclosures

c: Bill Stock, President of Fish Haven Water Users Company, w/enclosures
Henry Howell, President of Fish Haven Pipe Line Company, Inc.,
w/enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

November 27, 2019

FISH HAVEN WATER USERS CO
C/O DAVID COTTLE
2629 HWY 89
FISH HAVEN, ID 83287

RE: Transfer No. 83767
Water Right No(s). 11-4022

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the THE NEWS EXAMINER, TIMES NEWS, IDAHO STATESMAN, LEWISTON TRIBUNE, and POST REGISTER on 12/5/2019 and 12/12/2019. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CHenman', is written over a light blue horizontal line.

Christina Henman
Administrative Assistant

CC:
RANDALL C BUDGE
PO BOX 1391
POCATELLO, ID 83204-1391

Henman, Christina

From: Henman, Christina
Sent: Wednesday, November 27, 2019 10:00 AM
To: POST REGISTER (legalnotices@postregister.com)
Subject: Legal Ads for Post Register
Attachments: 83748, 83767 Post Register.doc

Good Morning,

Please see attached document regarding legal ads for your paper.

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

November 27, 2019

Contains more than 1 page.

Legal Notice Department

Post Register

PO Box 1800

Idaho Falls ID 83403

RE: Transfer No. 83748, 83767

Dear Taylor Winger:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and **bill to this office** before 12/23/2019. Your cooperation is appreciated.

Sincerely,

Christina Henman
Administrative Assistant
Dept of Water Resources
900 N Skyline Dr Ste A
Idaho Falls ID 83402
208-525-7161
208-525-7177 – fax

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 83748

BRION D EGAN, 84 ROLAND RD, DUBOIS, ID 83423-5005; has filed Application No. 83748 for changes to the following water rights within CLARK County(s): Right No(s). 32-7081C. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and change place of use. The point of diversion will be in SENW Sec 17 T10N R35E for 1.89 cfs from ground water. The place of use will be in Sec 17 T10N R35E for 155 acres within a 294-acre combined place of use.

TRANSFER NO. 83767

FISH HAVEN WATER USERS CO, C/O DAVID COTTLE, 2629 HWY 89, FISH HAVEN, ID 83287; has filed Application No. 83767 for changes to the following water rights within BEAR LAKE County(s): Right No(s). 11-4022; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: change nature of use and season of use for a 4.26 cfs portion of the right; create digital service boundary for irrigation and municipal uses. Irrigation service boundary includes portions of Sec 35 T15S R43E, and Sec 2, 10, 11, 14, 15, 22, 23 and 27, T16S R43E. Municipal service boundary includes portions of Sec 14, 15, 22, 23 and 27, T16S R43E. Proposed uses are irrigation (27.65 cfs), mitigation (4.51 cfs for Sam's Hollow project), mitigation (2.31 cfs for future connections in Fish Haven Pipeline Co. (FHPC)), municipal use (1.95 cfs for existing connections in FHPC), and municipal use (2.31 cfs for future connections in FHPC). Total diversion rate is 29.6 cfs. Proposed season of use for municipal use and FHPC mitigation use is 1/1 - 12/31.

For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. To see a full description of these rights and the proposed transfers, please see

<https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 12/23/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 12/5/2019 and 12/12/2019

Henman, Christina

From: Henman, Christina
Sent: Wednesday, November 27, 2019 10:00 AM
To: IDAHO STATESMAN (legals@idahostatesman.com)
Subject: Legal Ads for Idaho Statesman
Attachments: 83767 Idaho Statesman.rtf

Good Morning,

Please see attached document regarding legal ads for your paper.

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

November 27, 2019

Main contain more than 1 page

Legal Notice Department

IDAHO STATESMAN

PO BOX 40

BOISE ID 83707

RE: Transfer No. 83767,
Water Right No(s): 11-4022

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 12/23/2019. Your cooperation is appreciated.

Sincerely,

Christina Henman
Administrative Assistant
Department of Water Resources
900 N Skyline Dr Ste A
Idaho Falls ID 83402
208-497-3793
208-525-7177 – fax

.....
**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83767**

FISH HAVEN WATER USERS CO, C/O DAVID COTTLE, 2629 HWY 89, FISH HAVEN, ID 83287; has filed Application No. 83767 for changes to the following water rights within BEAR LAKE County(s): Right No(s). 11-4022; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change nature of use and season of use for a 4.26 cfs portion of the right; create digital service boundary for irrigation and municipal uses. Irrigation service boundary includes portions of Sec 35 T15S R43E, and Sec 2, 10, 11, 14, 15, 22, 23 and 27, T16S R43E. Municipal service boundary includes portions of Sec 14, 15, 22, 23 and 27, T16S R43E. Proposed uses are irrigation (27.65 cfs), mitigation (4.51 cfs for Sam's Hollow project), mitigation (2.31 cfs for future connections in Fish Haven Pipeline Co. (FHPC)), municipal use (1.95 cfs for existing connections in FHPC), and municipal use (2.31 cfs for future connections in FHPC). Total diversion rate is 29.6 cfs. Proposed season of use for municipal use and FHPC mitigation use is 1/1 - 12/31. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 12/23/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 12/5/2019 and 12/12/2019

Henman, Christina

From: Henman, Christina
Sent: Wednesday, November 27, 2019 10:01 AM
To: LEWISTON MORNING TRIBUNE (legals@lmtribune.com)
Subject: Legal Ads for Lewiston Morning Tribune
Attachments: 83767 Lewiston Morning Tribune.doc

Good Morning,

Please see attached document regarding legal ads for your paper.

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

November 27, 2019

MAY CONTAIN MORE THAN 1 PAGE!

Legal Notice Department

LEWISTON MORNING TRIBUNE
505 C ST PO BOX 957
LEWISTON ID 83501

RE: Transfer No. 83767,
Water Right No(s): 11-4022

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 12/23/2019. Your cooperation is appreciated.

Sincerely,

Christina Henman
Administrative Assistant
Department of Water Resources
900 N Skyline Dr Ste A
Idaho Falls ID 83402
208-497-3793
208-525-7177 – fax

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 83767

FISH HAVEN WATER USERS CO, C/O DAVID COTTLE, 2629 HWY 89, FISH HAVEN, ID 83287; has filed Application No. 83767 for changes to the following water rights within BEAR LAKE County(s): Right No(s). 11-4022; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change nature of use and season of use for a 4.26 cfs portion of the right; create digital service boundary for irrigation and municipal uses. Irrigation service boundary includes portions of Sec 35 T15S R43E, and Sec 2, 10, 11, 14, 15, 22, 23 and 27, T16S R43E. Municipal service boundary includes portions of Sec 14, 15, 22, 23 and 27, T16S R43E. Proposed uses are irrigation (27.65 cfs), mitigation (4.51 cfs for Sam's Hollow project), mitigation (2.31 cfs for future connections in Fish Haven Pipeline Co. (FHPC)), municipal use (1.95 cfs for existing connections in FHPC), and municipal use (2.31 cfs for future connections in FHPC). Total diversion rate is 29.6 cfs. Proposed season of use for municipal use and FHPC mitigation use is 1/1 - 12/31. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 12/23/2019. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director Published on 12/5/2019 and 12/12/2019

Henman, Christina

From: Henman, Christina
Sent: Wednesday, November 27, 2019 10:01 AM
To: NEWS EXAMINER (bjohnson@hjnews.com); NEWS EXAMINER (hjclass@hjnews.com)
Subject: Legal Ads for News Examiner
Attachments: 83767 News Examiner.doc

Good Morning,

Please see attached document regarding legal ads for your paper.

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

November 27, 2019

MAY CONTAIN MORE THAN 1 PAGE

Legal Notice Department

News Examiner

PO Box 278

Montpelier ID 83254-0278

RE: Transfer No. 83767,
Water Right No(s): 11-4022

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 12/23/2019. Your cooperation is appreciated.

Sincerely,

Christina Henman
Administrative Assistant
Dept of Water Resources
900 N Skyline Dr Ste A
Idaho Falls ID 83402
208-525-7161
208-525-7177 – fax
Christina.Henman@idwr.idaho.gov

PLEASE PUT IN NORMAL COLUMN AND NO BORDERS. THANK YOU.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83767**

FISH HAVEN WATER USERS CO, C/O DAVID COTTLE, 2629 HWY 89, FISH HAVEN, ID 83287; has filed Application No. 83767 for changes to the following water rights within BEAR LAKE County(s): Right No(s). 11-4022; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change nature of use and season of use for a 4.26 cfs portion of the right; create digital service boundary for irrigation and municipal uses. Irrigation service boundary includes portions of Sec 35 T15S R43E, and Sec 2, 10, 11, 14, 15, 22, 23 and 27, T16S R43E. Municipal service boundary includes portions of Sec 14, 15, 22, 23 and 27, T16S R43E. Proposed uses are irrigation (27.65 cfs), mitigation (4.51 cfs for Sam's Hollow project), mitigation (2.31 cfs for future connections in Fish Haven Pipeline Co. (FHPC)), municipal use (1.95 cfs for existing connections in FHPC), and municipal use (2.31 cfs for future connections in FHPC). Total diversion rate is 29.6 cfs. Proposed season of use for municipal use and FHPC mitigation use is 1/1 - 12/31. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 12/23/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 12/5/2019 and 12/12/2019

Henman, Christina

From: Henman, Christina
Sent: Wednesday, November 27, 2019 10:02 AM
To: TIMES NEWS (legals@magicvalley.com)
Subject: Legal Ads for Times News
Attachments: 83767 Times News.doc

Good Morning,

Please see attached document regarding legal ads for your paper.

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

November 27, 2019

Legal Notice Department

TIMES NEWS

PO BOX 548

TWIN FALLS ID 83303-0548

RE: Transfer No. 83767,
Water Right No(s): 11-4022

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 12/23/2019. Your cooperation is appreciated.

Sincerely,

Christina Henman
Administrative Assistant
Water Resources
900 N Skyline Dr Ste A
Idaho Falls ID 83402
208-525-7161

.....
NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 83767

FISH HAVEN WATER USERS CO, C/O DAVID COTTLE, 2629 HWY 89, FISH HAVEN, ID 83287; has filed Application No. 83767 for changes to the following water rights within BEAR LAKE County(s): Right No(s). 11-4022; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change nature of use and season of use for a 4.26 cfs portion of the right; create digital service boundary for irrigation and municipal uses. Irrigation service boundary includes portions of Sec 35 T15S R43E, and Sec 2, 10, 11, 14, 15, 22, 23 and 27, T16S R43E. Municipal service boundary includes portions of Sec 14, 15, 22, 23 and 27, T16S R43E. Proposed uses are irrigation (27.65 cfs), mitigation (4.51 cfs for Sam's Hollow project), mitigation (2.31 cfs for future connections in Fish Haven Pipeline Co. (FHPC)), municipal use (1.95 cfs for existing connections in FHPC), and municipal use (2.31 cfs for future connections in FHPC). Total diversion rate is 29.6 cfs. Proposed season of use for municipal use and FHPC mitigation use is 1/1 - 12/31.

For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 12/23/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 12/5/2019 and 12/12/2019



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

November 27, 2019

Josh Hanks
Water District 11
132 E 400 S
Richmond, UT 84333

RE: Application for Transfer 83767

Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has passed. Your prompt response to this request will ensure that your recommendation can be considered during regional review. If IDWR has received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

Enclosure(s)