STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 83630

This is to certify that: BLAINE COUNTY SCHOOL DISTRICT #61
118 W BULLION ST
HAILEY, ID 83333

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
37-21177	WR/LICENSE	11/17/2003	0.080 cfs	7.0 af	2.0	7.0	GROUND WATER
37-21409	WR/DECREED	7/27/1972	0.190 cfs	15.0 af	5.0	7.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-21177	NO	NO	YES	NO	NO	NO
37-21409	NO	NO	YES	NO	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
37-21177	37-21177	0.080 cfs	7.0 af	2.0	7.0	N/A	N/A	N/A	N/A	N/A
37-21409	37-21409	0.190 cfs	15.0 af	5.0	7.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**0.270 cfs**	**22.0 af**	**7.0**	**7.0**		**N/A**	**N/A**	**N/A**	**N/A**

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 14th day of November, 2019.

Southern Region Manager

SUPPORT DATA
IN FILE # 37-21177

Transfer No. 83630

WATER RIGHT NO. 37-21409

As Modified by Transfer No. 83630

In accordance with the approval of Transfer No. 83630, Water Right No. 37-21409 is now described as follows:

Right Holder: BLAINE COUNTY SCHOOL DISTRICT #61
118 W BULLION ST
HAILEY, ID 83333

Priority Date: 7/27/1972

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	05/01	to	10/31	0.190 cfs	15.0 af
				0.190 cfs	15.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNE Sec 23 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	18E	23			6.9					0.1									7.0

Right Acre Limit: 5.0
POU Total Acres: 7.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 5 acres within the place of use described above in a single irrigation season.
2. Rights 37-21177 and 37-21409 when combined shall not exceed a total diversion rate of 0.27 cfs, a total annual maximum diversion volume of 22 af and the irrigation of 7 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.
5. 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.

Transfer No. 83630

WATER RIGHT NO. 37-21409

As Modified by Transfer No. 83630

CONDITIONS OF APPROVAL

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than July, 14, 2005.

7. Point of diversion and place of use are located within the grounds of Woodside Elementary School.

8. The right holder shall accomplish the change authorized by this transfer within one year 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. 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. 37-21177

As Modified by Transfer No. 83630

In accordance with the approval of Transfer No. 83630, Water Right No. 37-21177 is now described as follows:

Right Holder: BLAINE COUNTY SCHOOL DISTRICT #61
118 W BULLION ST
HAILEY, ID 83333

Priority Date: 11/17/2003

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	04/15	to	10/31	0.080 cfs	7.0 af
				0.080 cfs	7.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNE Sec 23 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	18E	23			6.9					0.1									7.0

Right Acre Limit: 2.0
POU Total Acres: 7.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2 acres within the place of use described above in a single irrigation season.
2. Rights 37-21177 and 37-21409 when combined shall not exceed a total diversion rate of 0.27 cfs, a total annual maximum diversion volume of 22 af and the irrigation of 7 acres.
3. 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. 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.
5. Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.

Transfer No. 83630

WATER RIGHT NO. 37-21177

As Modified by Transfer No. 83630

CONDITIONS OF APPROVAL

6. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right(s) will be changed to show that diversion and use of water is not authorized because the rights, or portion(s) thereof, are being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate	Mitigation Acres
37-21114	Irrigation	0.08 cfs	2

The land that will no longer be irrigated under this right is located within the SENW, Section 10, Twp. 2N, Rge. 18E, B.M.

If the specified mitigation rights, or portions thereof, are sold, transferred, leased, used on any other place of use, or are not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this permit approval shall be reduced by the same proportion as the reduction to the mitigation rights.

7. The portion of right 37-21114 (portion of water right no. 37-0577) committed to mitigation for the diversion of right 37-21177 shall be managed as a surface water diversion, and the pump for right 37-21177 shall be the regulating structure for management. When the pump is on, the mitigating portion of 37-21114 (portion of water right no. 37-0577) shall be considered as a constant diversion from the Big Wood River. The point of diversion for right 37-21114 (portion of water right no. 37-0577) from the Big Wood River shall be changed from the point of diversion for the Hiawatha Canal in the SWNW, Section 20, Twp. 3N, Rge. 18E, B.M. to the location on the river closest to the point of diversion for right 37-21177 determined to be within the NESESE, Section 22, Twp. 2N, Rge. 18E, B.M.

8. The portion of right 37-21114 (portion of water right no. 37-0577) used for mitigation purposes shall be listed as a consumptive right in the water district decree book for the Big Wood River above Magic Reservoir. The mitigating flow amount of right 37-21114 (portion of water right no. 37-0577) shall be administered as a Big Wood River surface right, with the point of diversion considered as the location on the river closest to the point of diversion for right 37-21177, as described in the right. The right shall be considered delivered, or on, when the pump for right 37-21177 is in use.

9. 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.

10. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

11. Administration of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required because use of water pursuant to this right is either non-consumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right.

12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

WATER RIGHT NO. 37-21177

As Modified by Transfer No. 83630

CONDITIONS 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.

State of Idaho
Department of Water Resources

Attachment to Transfer # 83630

37-21177 & 37-21409

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

02N

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

0 0.04 0.08 0.16 Miles

N

RECEIVED
OCT 18 2019
DEPT OF WATER RESOURCES
SOUTHERN REGION

Rev. 07/11

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 83630

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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 http://www.idwr.idaho.gov/ .

Name of Applicant(s) BLAINE COUNTY SCHOOL DISTRICT #61;

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 #1-9.

- ☐ ☑ #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 transfer 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).
- ☐ ☑ #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 http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm .
- ☐ ☑ #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.
- ☐ ☑ #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.)
- ☐ ☑ #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 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant BLAINE COUNTY SCHOOL DISTRICT #61 Phone (208) 578-5000

Mailing Address 118 W BULLION ST, HAILEY ID 83333 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 SPF WATER ENGINEERING LLC Phone (208) 383-4140

Mailing Address C/O LORI GRAVES
300 E MALLARD DR STE 350, BOISE ID 83706-6660 Email lgraves@spfwater.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.

Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date
GwenCarol H Holmes	GwenCarol Holmes, Supt.	10/4/19

A. PURPOSE OF TRANSFER

1.

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-21177	No	No	Yes	No	No	No
37-21409	No	No	Yes	No	No	No

Transfer No. 83630

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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.2**

Application for transfer proposes updating the place of use to match current irrigation practices. 0.1 acres will be transferred to the SENW of Sec. 23, Twp 02N, Rge 18E to cover property irrigated on the north side of the entrance to Alturas Elementary School.

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

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

	Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
	37-21409	0.190 cfs	15.0 af	5.0	7.0		N/A	N/A	N/A	N/A
	37-21177	0.080 cfs	7.0 af	2.0	7.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		0.270 cfs	22.0 af	N/A	7.0		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 0.27 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:
   - ☑ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
   - ☐ As shown in Part 1.
   - ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

4. Place of Use:
   - ☐ No changes to place of use are proposed. (Proceed to #5.)
   - ☑ As shown in Part 1.
   - ☐ See Attachment.

Transfer No. 83630

Proposed Water Right No. 37-21409

Current Water Right Owner

BLAINE COUNTY
SCHOOL DISTRICT #61
118 W BULLION ST
HAILEY, ID 83333

Priority Date: 7/27/1972

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	05/01	10/31	0.190 CFS	15.0 AFA	
Total Diversion			0.190 CFS	15.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWNE Sec. 23 Twp 02N Rge 18E BLAINE County

Place of Use: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	18E	23			6.9					0.1									7.0

Right Acre Limit: 5.0

POU Total Acres: 7.0

Transfer No. 83630

.HO DEPARTMENT OF WATER RESOURC.
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 37-21177

Current Water Right Owner

BLAINE COUNTY
SCHOOL DISTRICT #61
118 W BULLION ST
HAILEY, ID 83333

Priority Date: 11/17/2003

Origin: Water Right

Basis: License

Status Active

Source: GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	04/15	10/31	0.080 CFS	7.0 AFA	
Total Diversion			0.080 CFS	7.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWNE Sec. 23 Twp 02N Rge 18E BLAINE County

Describe the proposed diversion system

New well, pump, motor, mainline to sprinklers

Place of Use: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	18E	23			6.9					0.1									7.0

Right Acre Limit: 2.0

POU Total Acres: 7.0

Transfer No. 83630

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

b. Who owns the property at the point(s) of diversion
Blaine County School District #61
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
No, ☑ 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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

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

f. 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:

Transfer No. 83630

Current Water Right No. 37-21409

Current Water Right Owner

BLAINE COUNTY
SCHOOL DISTRICT #61
118 W BULLION ST
HAILEY, ID 83333

Priority Date: 7/27/1972

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	05/01	10/31	0.190 CFS	15.0 AFA	
Total Diversion			0.190 CFS	15.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWNE Sec. 23 Twp 02N Rge 18E BLAINE County

Place of Use: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	18E	23			7.0														7.0

Right Acre Limit: 5.0

POU Total Acres: 7.0

Conditions/Remarks:

1. 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. Section 42-1412(6), Idaho Code.

2. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 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.

3. This right is limited to the irrigation of 5 acres within the place of use described above in a single irrigation season.

4. The right holder shall accomplish the change authorized by Transfer No. 71677 within one year of the date of the approval.

5. Failure of the right holder to comply with the conditions of Transfer No. 71677 is cause for the Director to rescind approval of the transfer.

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.

7. 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.

8. Point of diversion and place of use are located within the grounds of Woodside Elementary School.

Conditions/Remarks:

9. This right is a split from former right 37-11379.

10. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Current Water Right No. 37-21177

Current Water Right Owner

BLAINE COUNTY
SCHOOL DISTRICT #61
118 W BULLION ST
HAILEY, ID 83333

Priority Date: 11/17/2003

Origin: Water Right

Basis: License

Status: Active

Source: GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	04/15	10/31	0.080 CFS	7.0 AFA	
Total Diversion			0.080 CFS	7.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWNE Sec. 23 Twp 02N Rge 18E BLAINE County

Describe the proposed diversion system

New well, pump, motor, mainline to sprinklers

Place of Use: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	18E	23			7.0														7.0

Right Acre Limit: 2.0

POU Total Acres: 7.0

Conditions/Remarks:

1. This right is limited to the irrigation of 2 acres within the place of use described above in a single irrigation season.

2. Rights 37-21177 and 37-21409 when combined shall not exceed a total diversion rate of 0.27 cfs, a total annual maximum diversion volume of 22 af and the irrigation of 7 acres.

3. 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. 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.

5. Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.

Conditions/Remarks:

6. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right(s) will be changed to show that diversion and use of water is not authorized because the rights, or portion(s) thereof, are being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate	Mitigation Acres
37-21114	Irrigation	0.08 cfs	2

The land that will no longer be irrigated under this right is located within the SENW, Section 10, Twp. 2N, Rge. 18E, B.M.

If the specified mitigation rights, or portions thereof, are sold, transferred, leased, used on any other place of use, or are not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this permit approval shall be reduced by the same proportion as the reduction to the mitigation rights.

7. The portion of right 37-21114 (portion of water right no. 37-0577) committed to mitigation for the diversion of right 37-21177 shall be managed as a surface water diversion, and the pump for right 37-21177 shall be the regulating structure for management. When the pump is on, the mitigating portion of 37-21114 (portion of water right no. 37-0577) shall be considered as a constant diversion from the Big Wood River. The point of diversion for right 37-21114 (portion of water right no. 37-0577) from the Big Wood River shall be changed from the point of diversion for the Hiawatha Canal in the SWNW, Section 20, Twp. 3N, Rge. 18E, B.M. to the location on the river closest to the point of diversion for right 37-21177 determined to be within the NESESE, Section 22, Twp. 2N, Rge. 18E, B.M.

8. The portion of right 37-21114 (portion of water right no. 37-0577) used for mitigation purposes shall be listed as a consumptive right in the water district decree book for the Big Wood River above Magic Reservoir. The mitigating flow amount of right 37-21114 (portion of water right no. 37-0577) shall be administered as a Big Wood River surface right, with the point of diversion considered as the location on the river closest to the point of diversion for right 37-21177, as described in the right. The right shall be considered delivered, or on, when the pump for right 37-21177 is in use.

9. 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.

10. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

11. Administration of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required because use of water pursuant to this right is either non-consumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements)

☑ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

☑ 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. Label it **Attachment #7b.** If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the 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 stated.

B. CHANGES IN NATURE OF USE (Water Balance)

☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

FOR DEPARTMENT USE ONLY

Transfer Contains 11 pages and _____ attachments.

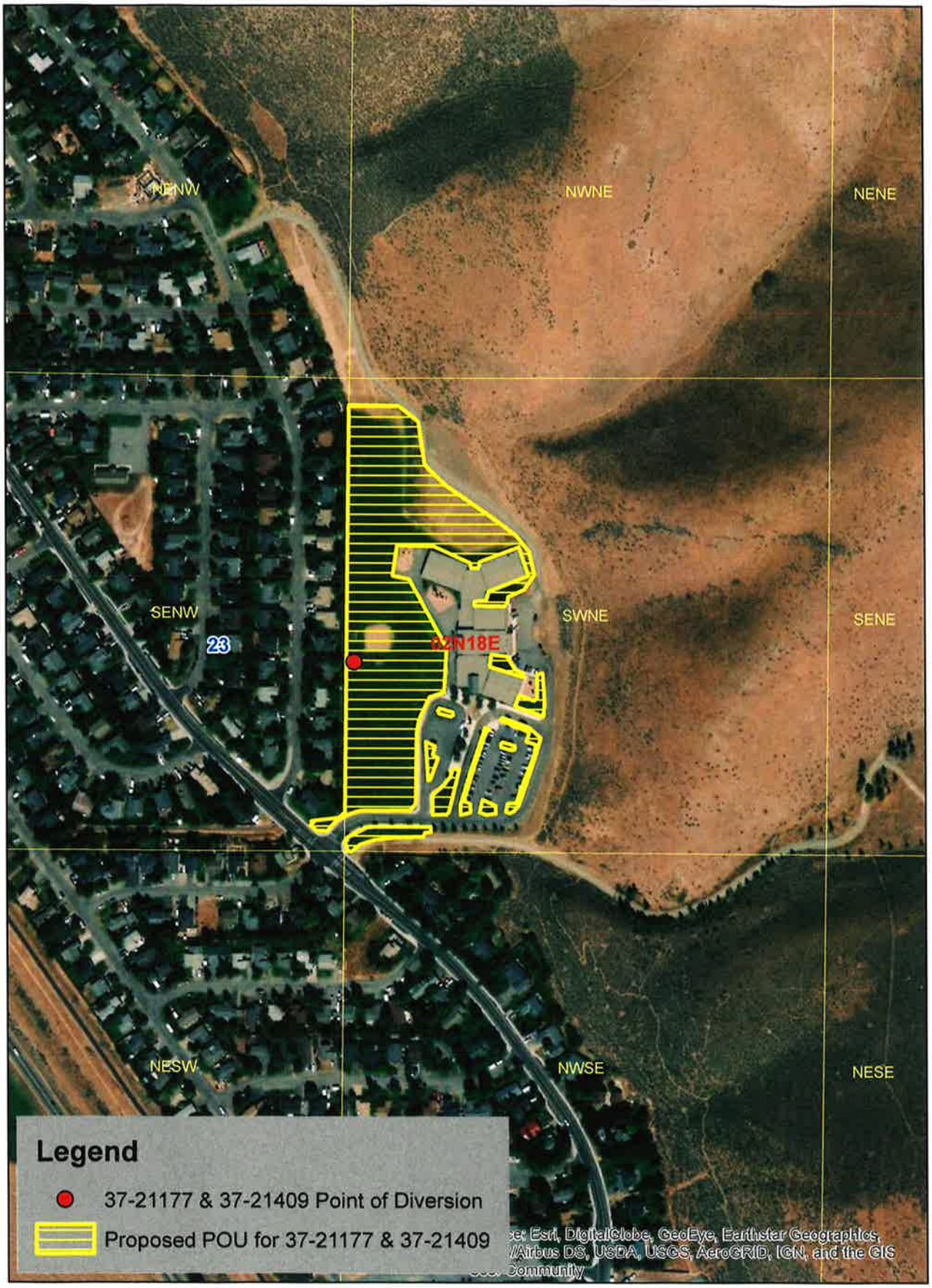
Received By DM Date 10·18·2019 Prelim. Check By _____ Date 10-21-19

Fee Paid $200.00 Date 10/18/19 Receipted By SG Receipt # S037596

Add'l Fee Paid _____ Date _____ Receipted By _____ Receipt # _____

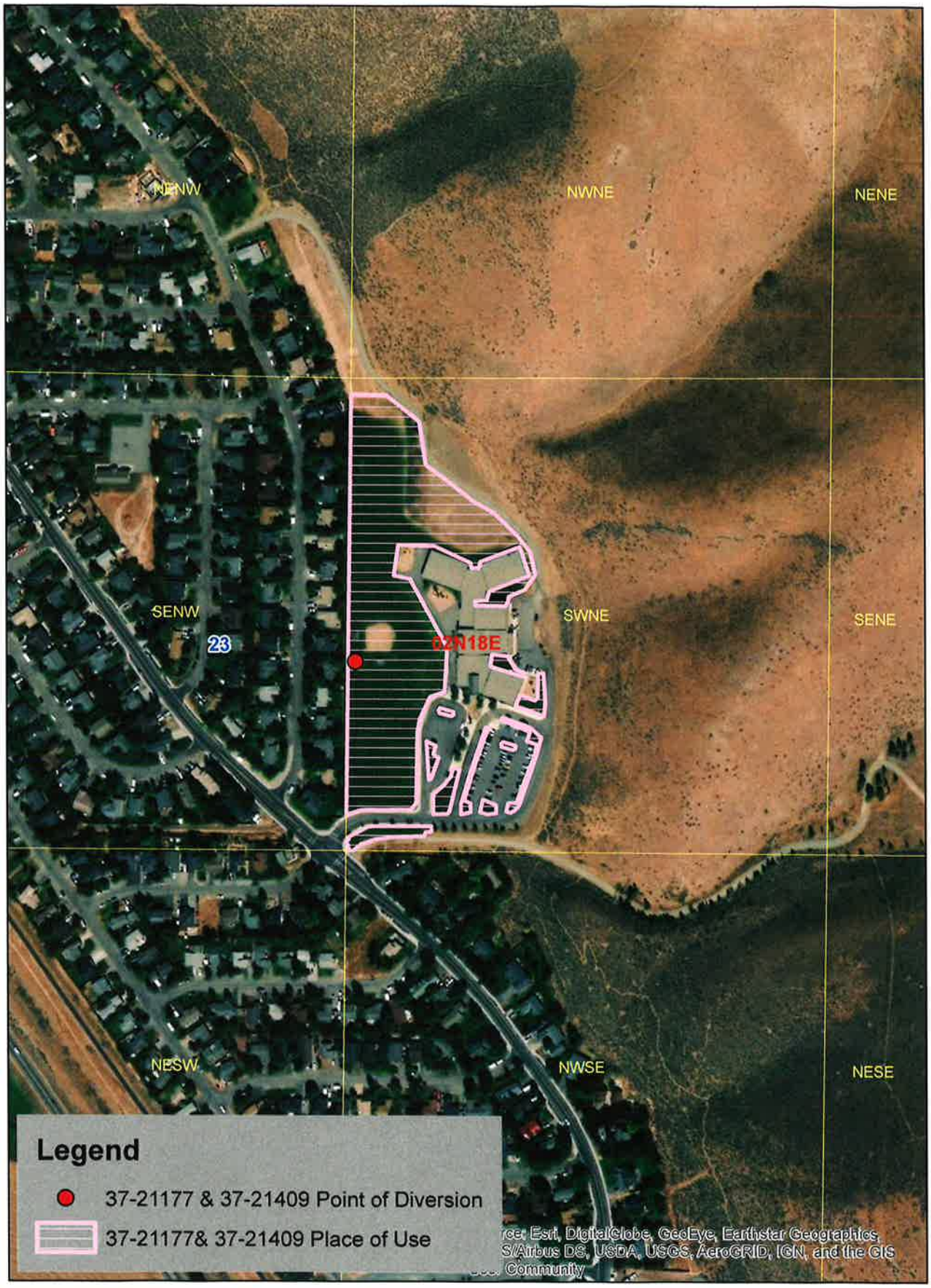
 Transfer No. 83630

Attachment 7A: Proposed Place of Use



TRANSFER 83630

Attachment 7B: Current Place of Use



TRANSFER 83630

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

November 19, 2019

BLAINE COUNTY SCHOOL DISTRICT 61
118 W BULLION ST
HAILEY ID 83333

Re: Transfer No: 83630
Water Right No(s).: 37-21177, 37-21409

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:

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660

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 November 19, 2019 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.: 83630
Water Right No(s).: 37-21177, 37-21409

BLAINE COUNTY SCHOOL DISTRICT 61
118 W BULLION ST
HAILEY ID 83333

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660

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

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: November 13, 2019

To: Transfer 83630 File

From: William Mills

Re: Evaluation of Sufficiency of Information Submitted

Application proposes rearranging acres in the place of use by moving 0.1 acres to a tract adjacent to the current 7.0 acre irrigation POU of two irrigation ground water rights utilized at Alturas Elementary School in Hailey located approximately 0.35 miles north of the intersection of Woodside Blvd and Hwy 75 in Hailey.
There are no proposed changes to the point of diversion and application is only seeking to correct the place of use to match the current irrigation system in use at the school. There will be no actual hydrologic change as a result of the approval of this transfer. The point of diversion and POU are located in Water District 37. Watermaster 37 comments were solicited and no response was received.
Since this application only proposes to change the POU in a manner that will not change use of the water source and will not affect the rights of other water users, and as such, there is no actual hydrologic change, the transfer was processed, and can be approved without advertising.

- **Authority to File:**
  IDWR records indicate the applicant currently owns the water rights and properties the rights are appurtenant to.

- **Water Right Validity:**
  Water right 37-21409 was decreed in the SRBA on 9/24/2010. Water right 37-21177 was licensed on 8/27/2019. Water right irrigation utilizing both water rights was verified during a field exam conducted on 8/8/2019.

- **Injury to Other Water Rights:**
  None anticipated.

- **Enlargement of Use:**
  None anticipated.

- **Local Public Interest:**
  No issues anticipated.

- **Beneficial Use/Conservation of Water Resources:**
  Proposed uses are recognized as beneficial uses of water.

- **Effect on the Economy of the Local Area:**
  None Anticipated.

- **Effect on Agricultural Base of the Local Economy:**
  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.

State of Id o
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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 23, 2019

WATER DISTRICT #37 ***via e-mail***
KEVIN LAKEY
107 W 1ST ST
SHOSHONE ID 83352

RE: Transfer No. 83630
Water Right No(s). 37-21177 & 37-21409

Dear Kevin:

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

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the water master, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not 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.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosure(s)

MEMORANDUM

Date: October 21, 2019

To: Transfer 83630

From: William Mills

Re: Legal Notice Not Required

Since the application only seeks to correct the location where the water right has always been diverted and used, and there is no actual hydrologic change, the transfer was processed, and can be approved without advertising.

Legal Notice Not Required
10/21/2019

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

MEMORANDUM

Date: October 21, 2019

To: Transfer 83630 File

From: Bill Mills

Re: Fee Evaluation

Filing fees charged for transfer application #83630 are based on the current transfer fee schedule and are set at $200.00 based on the proportion of the water rights place of use that is proposed to be changed in the transfer, which is equivalent to a total of 0.008 cfs for both water rights combined (Receipt No. S037596).

SPF WATER
ENGINEERING

RECEIVED
OCT 18 2019
DEPT OF WATER RESOURCES
SOUTHERN REGION

October 16, 2019

Bill Mills
IDWR Southern Region Office
650 Addison Ave W, Ste 500
Twin Falls, ID 83301-5858

Subject: Blaine County School District #61 Application for Transfer #83630

Dear Bill,

Enclosed on behalf of the Blaine County School District #61 is the *Application for Transfer No. 83630* proposing an update to the irrigation place of use to match current irrigation practices at Alturas Elementary School.

Check No. 014697 for $200 is enclosed for the filing fee. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Howard Royal, Blaine County School District

Enclosures

SPF file number: 322.0080

300 E. Mallard Drive, Suite 350, Boise, Idaho 83706 Tel: 208-383-4140 Fax: 208-383-4156

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls ID 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037
Website: idwr.idaho.gov • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 25, 2019

Blaine County School District #61
118 W. Bullion St
Hailey, ID 83333

To All Whom It Concerns:

This summer I conducted a field exam for water right 37-21177 at Alturas Elementary School. During this process it was discovered that there was a small piece of ground being irrigated under water rights 37-21177 and 37-21409 that was not included in the 7.0 acre Place of Use (POU) for these water rights.

The parcel is located on the north side of the intersection of Woodside Blvd and Woodside Elementary Ln. This small parcel is legally described as located in the SENW1/4 of Section 23, Township 02N, Range 18E, B.M. whereas, the entire 7.0 acre POU for the water rights is described as located in the SWNE1/4 of Section 23, Township 02N, Range 18E, B.M.

During the licensing process, both scenarios for correcting the POU were considered, and after discussing it with the school district's representative at SPF Water Engineering, Lori Graves, it was decided that licensing water right 37-21177 as permitted and then file an application for transfer to correct the POU for both irrigation water rights would be the most economical and efficient approach as it would correct both water rights that share the same 7.0 acre permissible place of use and would also save the school district money for application filing fees.

The transfer application proposes to move 0.1 acres to the new location in the SENW1/4 and will reduce the POU to 6.9 acres in the SWNE1/4. Please review the application, if acceptable, have it signed by an authorized representative of the school district and then return it to the IDWR Southern Region Office along with a $200.00 application fee.

If you have any questions please feel free to call me at (208) 736-3033.

Sincerely,

Bill Mills
Sr. Water Resource Agent
IDWR Southern Region

c: Lori Graves, SPF Water Engineering;
Howard Royal, Director of Buildings and Grounds BCSD #61