

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83506**

This is to certify that: WALTERS READY MIX INC
PO BOX 390
REXBURG, ID 83440-0390

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-22655	WR/DECREED	12/14/1974	0.270 cfs	43.7 af	12.3	14.3	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-22655	YES	YES	YES	NO	YES	YES

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-22655	37-23202	0.020 cfs	2.0 af	N/A	N/A	37-22655	0.250 cfs	40.2 af	11.3	13.3
COMBINED TOTALS		0.020 cfs	2.0 af	N/A	N/A		N/A	N/A	N/A	N/A

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

Dated this 31ST day of October, 2019.


Southern Region Manager

SUPPORT DATA

IN FILE # 37-22655

Transfer No. 83506

WATER RIGHT NO. 37-22655**As Modified by Transfer No. 83506**

In accordance with the approval of Transfer No. 83506, Water Right No. 37-22655 is now described as follows:

Right Holder: KATHI WAGNER AND
ROBERT WAGNER
PO BOX 182
BELLEVUE, ID 83313

Priority Date: 12/14/1974

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DOMESTIC	01/01	to 12/31	0.020 cfs	0.6 af
IRRIGATION	04/15	to 10/15	0.230 cfs	39.6 af
			0.250 cfs	40.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENE Sec 28 Twp 01N Rge 18E BLAINE County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	28			X	X													

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	28			1.3	12.0													13.3

Right Acre Limit: 11.3

POU Total Acres: 13.3

CONDITIONS OF APPROVAL

- Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
- This right is limited to the irrigation of 11.3 acres within the authorized place of use in a single irrigation season.
- This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation purposes.

Transfer No. 83506

WATER RIGHT NO. 37-22655
As Modified by Transfer No. 83506

CONDITIONS OF APPROVAL

4. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
5. 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. 37-23202**As Modified by Transfer No. 83506**

In accordance with the approval of Transfer No. 83506, Water Right No. 37-23202 is now described as follows:

Right Holder: ROBERT WAGNER AND
KATHI WAGNER
PO BOX 182
BELLEVUE, ID 83313

Priority Date: 12/14/1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
INDUSTRIAL	1 /1	to 12/31	0.020 cfs	2.0 af
			0.020 cfs	2.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 13 Twp 01N Rge 18E	BLAINE County
GROUND WATER	SESW	Sec 13 Twp 01N Rge 18E	BLAINE County

PLACE OF USE: INDUSTRIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	13												X					0.0

CONDITIONS OF APPROVAL

1. 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.
2. 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 diversions.
3. Industrial use is for a concrete batch facility.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 83506

WATER RIGHT NO. 37-23202
As Modified by Transfer No. 83506

CONDITIONS OF APPROVAL

6. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



State of Idaho
Department of Water Resources
Attachment to Transfer # 83506
37-23202

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



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

0 0.045 0.09 0.18 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

November 6, 2019

WALTERS READY MIX INC
PO BOX 390
REXBURG ID 83440-0390

Re: Transfer No: 83506
Water Right No(s): 37-22655

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.

- Water Right 37-22655 was leased to the Water Supply Bank (bank) on Jul 6 2004 . The right will remain in the bank until Dec 31 2020, unless released earlier by the Idaho Water Resource Board or upon request by the right holder.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

C:

ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC
C/O KRISTIN MOORE
482 CONSTITUTION WAY STE 303
IDAHO FALLS ID 83402-3552

ROBERT WAGNER
KATHI WAGNER
PO BOX 182
BELLEVUE ID 83313

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

CERTIFICATE OF SERVICE

I hereby certify that on November 6, 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.: 83506
Water Right No(s): 37-22655

WALTERS READY MIX INC
PO BOX 390
REXBURG ID 83440-0390

ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC
C/O KRISTIN MOORE
482 CONSTITUTION WAY STE 303
IDAHO FALLS ID 83402-3552

ROBERT WAGNER
KATHI WAGNER
PO BOX 182
BELLEVUE ID 83313

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



Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

Date: October 28, 2019
To: Transfer 83506 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application proposes changing the point of diversion, place of use, nature of use and period of use for a one acre portion (0.02 cfs) of an irrigation ground water right that is currently diverted approximately 5.0 miles south and 2.3 miles west of the intersection of Broadford Rd and Hwy 75 in Bellevue. The proposed change of nature of use will be from irrigation to industrial use at a concrete batch plant facility. The application proposes diverting from two existing wells at the new place of use located approximately 3.5 to 3.8 miles south and 0.1 to 0.2 miles east of the intersection of Broadford Rd and Hwy 75 in Bellevue.

Analysis was provided for the change in nature of use indicating the conversion can result in a transferred volume of up to 1.99 afa. Since no crop records were provided with the application, I drove by the property while in the area to see if I could verify what type of crop had been irrigated prior to the right being leased to the Water Supply Bank in 2004 (current lease expires on 12/31/2020). It appeared that low management pasture grass had been grown on the property prior to the water right's lease to the Water Supply Bank. Based on my findings, it appears the provided change in nature of use analysis utilizing the precipitation deficit for grass pasture – low management data is sufficient. Applicants indicated they will likely request a release of the transferred portion of this water right from the Water Supply Bank after the transfer has been approved.

Overlap analysis indicates that there are two other water rights diverted from the wells this right is proposed to be diverted from. Water right 37-8856 is diverted from the northwest well and is owned by Anderson Asphalt Paving Inc. and is utilized on an adjacent property. Water right 37-23100 is diverted from both wells and shares the same place of use. Water right 37-23100 is utilized as a non-consumptive water right at the facility. The portion of this water right that is proposed to be transferred into the same PODs and POU will provide for consumptive industrial water uses at this facility.

The 1 acre portion that the seller has proposed to sell to the applicant is proposed to be transferred from the SENE1/4 of Section 28, Township 01N, Range 18E. The seller sold this portion of their property in 2004 but reserved any and all water rights appurtenant to that property. A warranty deed has been provided that indicates the water right was retained by the seller. The seller then leased the water right to the Water Supply Bank after selling the property.

All PODs and POUs are within Water District 37 and Watermaster did not oppose approval of this application.

- **Authority to File:**

Applicant has provided a copy of an agreement to purchase and sale of water right signed by the applicant and the current water right owners (as indicated in IDWR records), that will result in a change of ownership to the applicant of the transferred portion of the water right provided the transfer is approved.

- **Water Right Validity:**

Water rights 37-22655 was decreed in the SRBA on 5/14/2009. Water right is currently leased to the Water Supply Bank.

- **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.

Mills, Bill

From: Kristin Moore <kristin.rmea@gmail.com>
Sent: Thursday, October 24, 2019 3:11 PM
To: Mills, Bill
Subject: RE: Walters Ready Mix Transfer Application #83506
Attachments: WarrantyDeed_506036.pdf

Bill,

Please see the attached deed with a water right reservation statement. It appears that they sold the property off in 2004, reserved the water right, and have been maintaining the water right in the Water Supply Bank. Seems to be in order.

Thanks,

Kristin Moore
Senior Water Rights Analyst
482 Constitution Way, Ste 303, Idaho Falls, ID 83402
E-Mail: kristin.rmea@gmail.com
VOICE: 208-524-2353 || FAX: 208-524-1795



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From: Mills, Bill [<mailto:William.Mills@idwr.idaho.gov>]
Sent: Monday, October 21, 2019 4:04 PM
To: Kristin Moore <kristin.rmea@gmail.com>
Subject: RE: Walters Ready Mix Transfer Application #83506

Thanks Kristin!
That's good news, I'll be waiting patiently,
Bill

From: Kristin Moore [<mailto:kristin.rmea@gmail.com>]
Sent: Monday, October 21, 2019 2:19 PM
To: Mills, Bill <William.Mills@idwr.idaho.gov>
Subject: RE: Walters Ready Mix Transfer Application #83506

Bill,

I just wanted to update you. Del Kohtz has spoken with the water right seller to Walters Ready Mix and they indicated they reserved the water right when they sold the property. I am awaiting a copy of the deed.

Kristin Moore

Senior Water Rights Analyst

482 Constitution Way, Ste 303, Idaho Falls, ID 83402

E-Mail: kristin.rmea@gmail.com

VOICE: 208-524-2353 ||| FAX: 208-524-1795



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From: Mills, Bill [<mailto:William.Mills@idwr.idaho.gov>]

Sent: Thursday, September 12, 2019 12:49 PM

To: Kristin Moore <kristin.rmea@gmail.com>

Subject: RE: Walters Ready Mix Transfer Application #83506

Thank you!

From: Kristin Moore [<mailto:kristin.rmea@gmail.com>]

Sent: Thursday, September 12, 2019 11:31 AM

To: Mills, Bill <William.Mills@idwr.idaho.gov>

Subject: RE: Walters Ready Mix Transfer Application #83506

Bill,

#1 Please see the attached letter from David Walters authorizing James Walters to sign on behalf of Walters Ready Mix.

#2 Upon approval of the transfer, we will likely have the transferred water right released from the Bank for use in 2020, provided it has not been rented. The current rental agreement will be voluntarily terminated early.

Kristin Moore

Senior Water Rights Analyst

482 Constitution Way, Ste 303, Idaho Falls, ID 83402

E-Mail: kristin.rmea@gmail.com

VOICE: 208-524-2353 ||| FAX: 208-524-1795



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K28291

THIS WARRANTY DEED IS BEING RE-RECORDED TO ADD RESERVATION OF WATER RIGHTS.

WARRANTY DEED

For Value Received **Robert Wagner Jr. and Kathi E. Wagner, husband and wife**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

John W. Sorenson and Pam J. Ritter, husband and wifewhose address is: **3283 North 2300 East, Twin Falls, ID 83301**Hereinafter called the Grantee, the following described premises situated in **Blaine County, Idaho**, to-wit:

GRANTOR RESERVES ANY AND ALL WATER RIGHTS APPURTENANT TO THIS PROPERTY.

A parcel of land lying within a portion of the NE $\frac{1}{4}$ of Section 28, Township 1 North, Range 18 East, Boise Meridian, Blaine County, Idaho; being more particularly described as follows:

Commencing at a Brass Cap marking the Northeast Corner of said Section 28, proceeds S 45°56'46" W, 1847.48 feet to a $\frac{1}{2}$ " rebar with no cap, which point is the TRUE POINT OF BEGINNING; thence S 88°50'56" E, 803.88 feet along the line between Tax Lots 5958 and 7019 to a 5/8" rebar by GKW; thence S 43°44'40" E, 237.29 feet to a $\frac{1}{2}$ " rebar by LS 848 marking the Northwesterly Right-of-Way of Glendale Road; thence S 46°11'08" W, 1337.21 feet along the Northwesterly Right-of-Way of Glendale Road to a $\frac{1}{2}$ " rebar with no cap; thence N 00°08'54" W, 1113.36 feet along the line between Tax Lots 5958 and 5505 to the TRUE POINT OF BEGINNING.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: May 6, 2004

Robert Wagner Jr.
Robert Wagner Jr.

Kathi E. Wagner
Kathi E. Wagner

STATE OF Idaho

ss.

COUNTY OF BLAINE

Instrument # 506036

HAILEY, BLAINE, IDAHO

2004-07-02

12:47:00 No. of Pages: 2

Recorded for: FIRST AMERICAN TITLE

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: CORRECTION DEED

505189

On this 15th day of June, 2004, before me, F. Paige McAllister-Serice, personally appeared Robert Wagner Jr. and Kathi E. Wagner, known or identified to me (or proved to me), to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

F. Paige McAllister-Serice
Notary Public of Idaho

Residing at: Ketchum, Idaho

Commission Expires: 02/07/07



STATE OF Idaho

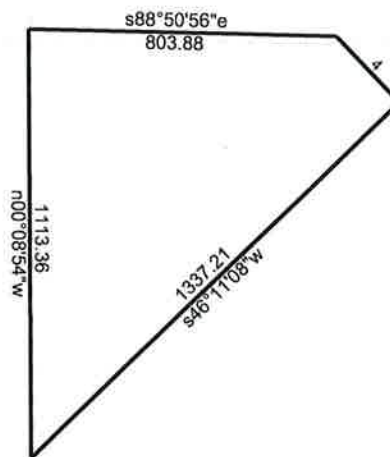
)ss.

COUNTY OF BLAINE

On this 18th day of June, 2004, before me, the undersigned, personally appeared Robert Wagner Jr. and Kathi E. Wagner, known or identified to me (or proved to me), to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Nancy A. Woldberg
Notary Public of Idaho
Residing at *Boise*
Commission Expires: *9-7-05*





01N18E28SWNE

01N18E28SENE

10/28/2019

Scale: 1 inch= 500 feet

File:

Tract 1: 13.9128 Acres, Closure: n00.0000e 0.00 ft. (1/743012), Perimeter=3492 ft.

01 /ne,28,01n,18e
02 /s45.5646w 1847.48
03 s88.5056e 803.88
04 s43.4440e 237.29
05 s46.1108w 1337.21
06 n00.0854w 1113.36

AFFIDAVIT of PUBLICATION

State of Idaho
County of Blaine

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

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 18th day of

September, 20 19, and the date of the last publication was

on the 25th day of September, 20 19

Subscribed and sworn to before me this 25 day of

Sept., 20 19.

Connie N. Johnson
NOTARY PUBLIC

RECEIVED

SEP 30 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION

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

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

COST OF PUBLICATION

Number of Picas per Line 11.5

Number of Lines in Notice 55

Number of Insertions 2

55 Lines tabular at \$50.60 9.0 cents/pica

55 Lines straight at \$44.28 8.0 cents/pica

55 Subsequent lines at \$94.88 7.0 cents/pica

TOTAL COST \$94.88

COPY OF NOTICE

Legal Notice
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 83506

WALTERS READY MIX INC, PO BOX 390, REXBURG, ID *83440-0390; has filed Application No. 83506 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22655; 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: Application proposes changing the point of diversion, place of use, nature of use and period of use for a one acre portion (0.02 cfs) of an irrigation ground water right that is currently diverted approximately 5.0 miles south and 2.3 miles west of the intersection of Broadford Rd and Hwy 75 in Bellevue. The proposed change of nature of use will be from irrigation to industrial use at a concrete batch plant facility. The application proposes diverting from two existing wells at the new place of use located approximately 3.5 to 3.8 miles south and 0.1 to 0.2 miles east of the intersection of Broadford Rd and Hwy 75 in Bellevue.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. 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, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **October 7, 2019**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH
IDAHO MOUNTAIN EXPRESS
SEPT. 18 & 25, 2019

✓ dm
10-1-2019

LEGAL NOTICE
BLAINE COUNTY BOARD OF
COUNTY COMMISSIONERS
October 8, 2019

On Tuesday, October 8, 2019, the Blaine County Board of County Commissioners will hold a public meeting upstairs in the Old County Courthouse located at 206 First Ave. So., in Hailey. Items on their agenda include the following:

1:30 PM ACTION ITEM: 203 Meadowbrook Rd. Plat Amendment and Accessory Dwelling Conditional Use Permit applications. A public hearing and consideration of applications by 203 Meadowbrook Rd LLC to create a new building envelope and to convert an accessory structure to an Accessory Dwelling Unit within it. The subject property is Lot 7, Thunder Meadows Sub, zoned Residential/Agricultural (R-5) District and within the Avalanche Overlay District (A).

2:30 PM ACTION ITEM: Picabo Airport Short Plat Subdivision. A public hearing and consideration of a short plat application by Picabo Livestock Company, Inc. The subject property is located at 18926 US Highway 20; Silver Creek Supply Subdivision Lot 2, Block 1, Picabo, Idaho. The property to be divided is 5.06 acres and is requesting to be split into three lots: Lot 1: 1.42 acres, Lot 2: 1.01 acres and Lot 3: 2.63 acres. Lot 1 & 2 at 2.43 acres is zoned General Commercial District (C) and the remaining 2.63 acres is zoned Light Industrial District (LI).

The materials associated with this meeting are available for review at Land Use and Building Services located in the Blaine County Annex at 219 First Avenue South, Suite 208 in Hailey and on the Blaine County web page at www.blainecounty.org. To receive adequate consideration, written comments in excess of one page should be forwarded to Blaine County at least 4 days prior to the public hearing by mail, e-mail to pxcounter@co.blaine.id.us, or by fax to (208) 788-5576.

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IDAHO MOUNTAIN EXPRESS
SEPT. 18, 2019

LEGAL NOTICE
BLAINE COUNTY HEARING
EXAMINER
October 3, 2019 at 6:30 P.M.

On Thursday, October 3, 2019, the Blaine County Hearing Examiner will hold a public meeting beginning at 6:30 p.m. on the first floor of the County Courthouse Annex Building located at 219 First Avenue South in Hailey, Idaho. (Entrance is on the south side of the building on Walnut Street.) Public comment will be taken and entered into the record for the public hearing on the following:

ACTION ITEM: 202 CHOCOLATE GULCH RD; A public hearing and consideration of a Conditional Use Permit for an Accessory Dwelling Unit. The property owner, Patricia G. Millington of 202 Chocolate Gulch Road, proposes to bring an as-built, 828 sq. ft. detached ADU into compliance. The 1,031-acre lot is also known as Lot 4, Block 1, of Wood River Estates Subdivision. The property is zoned Rural Residential District (R-2 1/2).

ACTION ITEM: 85 AND 95 MORADA LN; Public hearing and consideration of an application by StarBoard LLC to construct and operate an approximately 52-unit self-storage facility on Lot 1 and Lot 2, Block 1, Morada Farms Subdivision. The two lots, also known as 85 and 95 Morada Ln., abut Glendale Rd., are zoned Light Industrial (LI) and are subject to the Development Agreement recorded as Inst. No. 597305.

The materials associated with this hearing are available for review at Land Use and Building Services located in the Blaine County Annex at 219 First Avenue South, Suite 208 in Hailey and on the Blaine County web page at www.blainecounty.org. To receive

adequate consideration, written comment in excess of one page should be forwarded to Blaine County at least 4 days prior to public hearing by mail, email to pxcounter@co.blaine.id.us, or by fax to (208) 788-5576.

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SEPT. 18, 2019

NOTICE OF LETTING

Sealed proposals will be received only at the office of the IDAHO TRANSPORTATION DEPARTMENT, 3311 WEST STATE STREET, BOISE, IDAHO 83703, ATTN: CONTRACTING SERVICES until two o'clock p.m., on October 8, 2019, Idaho Project No. A021(805), in Blaine, Cassia, Elmore, Gooding, & Jerome Counties, Key No. 21805; for the work of seal coating various rest areas (Bliss, Colterrell, Hagerman, and Timmerman), sections of interstate (I-84 MP 195.6 to 194.1), and interstate on/off ramps (I-84 MP's 125.2, 129).

ADDITIONAL INFORMATION
CONTACT: RESIDENT ENGINEER WALTER BURNSIDE at (208) 886-7805 for any design related questions.

Plans, specifications, form of contract, proposal forms, and other information may be obtained from the Idaho Transportation Department website at <http://itd.idaho.gov/business/>

This contract requires full compliance with Title VI of the Civil Rights Act of 1964, which protects persons from being denied the benefits of or excluded from participation in programs or activities; or subjected to discrimination based on race, color, national origin, sex, age, disability, limited English Proficiency or economic status. The Contractor is encouraged to utilize the goods and services of disadvantaged firms in accomplishing the tasks or providing the services of this agreement, and to provide equal opportunity to all sub-bidders and suppliers.

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IDAHO MOUNTAIN EXPRESS
SEPT. 18 & 25, 2019

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Sun Valley City Council will hold a public hearing on Thursday, October 3, 2019 at 4:00 PM at City Hall Council Chambers, 81 Elkhorn Road, Sun Valley, ID to hear comments from the public concerning the following applications:

• **SUBPA 2019-10:** Application for approval of a plat amendment for a building envelope relocation at Dollar Mountain Subdivision Lot 19. Applicant: Benchmark Associates for Linda Dempsey. Location: 119 Skyline Drive; Dollar Mountain Subdivision Lot 19 and Tax Lot 6260.

At the aforementioned time and place, all interested persons may appear and shall be given an opportunity to comment on the matters stated above. Comments and questions prior to the public meeting should be directed to the City of Sun Valley Community Development Department at PO Box 416, Sun Valley, ID 83353, or emailed to cdcounter@sunvalleyidaho.gov. Written comments received prior to the meeting shall be made part of the public record at the meeting. Applications are on file in the Community Development Department located in City Hall for public inspection during normal City Hall business hours. Dated this 12th day of September 2019 by Rebekah Longstreet, City of Sun Valley Assistant Planner.

PUBLISH
IDAHO MOUNTAIN EXPRESS
SEPT. 18, 25 & OCT. 2, 2019

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFERR NO. 83506

WALTERS READY MIX INC, PO BOX 390, REXBURG, ID 83440-0390; has filed Application No. 83506 for

changes to the following water rights within BLAINE County(s): Right No(s), 37-22655; 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: Application proposes changing the point of diversion, place of use, nature of use and period of use for a one acre portion (0.02 cfs) of an irrigation ground water right that is currently diverted approximately 5.0 miles south and 2.3 miles west of the intersection of Broadford Rd and Hwy 75 in Bellevue. The proposed change of nature of use will be from irrigation to industrial use at a concrete batch plant facility. The application proposes diverting from two existing wells at the new place of use located approximately 3.5 to 3.8 miles south and 0.1 to 0.2 miles east of the intersection of Broadford Rd and Hwy 75 in Bellevue.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. 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, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **October 7, 2019**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

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IDAHO MOUNTAIN EXPRESS
SEPT. 18 & 25, 2019

LEGAL NOTICE OF
ADVERTISEMENT
FOR SALE AT PUBLIC AUCTION

The public is notified that a sale of certain personal property shall occur as provided pursuant to Idaho Code Section 55-2306(3) to satisfy a lien claim based on an obligation owed by SHERRI DAVIS whose last known address is PO BOX 693, KETCHUM, ID 83340.

The sale shall occur at 10:00 o'clock a.m. on the 28TH day of SEPTEMBER, 2019, at Valley Self Store, 1041 Airport Way, Hailey, Idaho 83333.

The property to be sold is the contents of a storage unit at Valley Self Store and is generally described as: personal effects.

DATED this 1st day of SEPTEMBER, 2019.

VALLEY SELF STORE

By _____
Lien Claimant

PUBLISH
IDAHO MOUNTAIN EXPRESS
SEPT. 18 & 25, 2019

LEGAL NOTICE
ORDINANCE NO. 1203

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, APPROPRIATING TO THE VARIOUS BUDGETARY FUNDS, SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL NECESSARY EXPENSES AND LIABILITIES WITHIN EACH FUND FOR THE ENSUING FISCAL YEAR, AUTHORIZING A LEVY OF A SUFFICIENT TAX UPON THE TAXABLE PROPERTY AND SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATION IS MADE, AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and City Council of the City of Ketchum, Blaine County, Idaho.

SECTION 1: That the sum of

\$25,074,136 be raised and appropriated to defray the necessary expenses and liabilities of the City of Ketchum, Blaine County, Idaho for the fiscal year beginning October 1, 2019.

SECTION 2: That the City Council hereby appropriates each Fund as an independent fiscal and accounting group with a self-balancing set of accounts recording cash and/or other resources together with all related liabilities, obligations, reserves and equities which are segregated for the purpose of carrying on specific activities or attaining certain objectives.

SECTION 3: That the appropriation for the General Fund is made in the following amount to each specific division or function:

Legislative and Executive, Administrative, Legal, Community Planning and Development, Law Enforcement, Building Code, and Non-Departmental.

Total General Fund 10,761,459

SECTION 4: That the appropriation for the Water and Wastewater Funds is made in the following amounts to each specific Fund, department or function:

Water Fund 2,379,926

Water Capital Improvement Fund 440,000

Wastewater Fund 2,593,149

Wastewater Capital Improvement Fund 235,000

Total Water and Wastewater Funds 5,648,075

SECTION 5: That the appropriation for all Other Funds is made in the following amounts to each specific Fund, department or function:

General Capital Improvement Fund 649,663

Essential Services Facilities Trust Fund 128,800

Wagon Days Fund 128,125

Street Capital Improvement Fund 262,600

Law Enforcement Capital Improvement Fund 1

Fire & Rescue Capital Improvement Fund 76,768

Parks & Recreation Capital Improvement Fund 0

Parks & Recreation Trust Fund 49,700

Original LOT Fund 2,567,247

Additional 1%-LOT Fund 2,221,861

GO Bond Debt Service Fund 149,836

Community Housing In-Lieu Fund 2,275,000

Police Trust Fund 5,000

Fire Trust Fund 0

Development Trust Fund 150,000

Total Other Funds 8,664,601

SECTION 6: That a general tax levy on all taxable property within the City of Ketchum be levied in an amount allowed by law for the general purposes for said City, for the fiscal year beginning October 1, 2019.

SECTION 7: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 8: This ordinance shall take effect and be in force upon its passage, approval and publication in one issue of the Idaho Mountain Express, a newspaper of general circulation in the City of Ketchum, and the official newspaper of said City.

PASSED by the City Council and APPROVED by the Mayor of Ketchum this 11th day of September 2019.

ATTEST:

Neil Bradshaw,
Mayor

Robin Crotty,
City Clerk

PUBLISH
IDAHO MOUNTAIN EXPRESS
SEPT. 18, 2019

NOTICE OF PUBLIC HEARING
HAILEY PLANNING AND ZONING
COMMISSION
Monday, October 7, 2019
5:30 p.m.

PUBLIC NOTICE IS HEREBY GIVEN that the Planning and Zoning Commission will hold a Public Meeting at 5:30 p.m. on Monday, October 7, 2019, to be held in the upstairs meeting room of Hailey City Hall and will hold Public Hearing on the following item(s):

• Consideration of a City-initiated Text Amendment to the Hailey Comprehensive Plan to add a new section, Section 14, Public Airport Facilities, pursuant to Idaho Code 21-504 through 21-507 Airport Zoning Regulations and Section 67, Chapter 65, Local Land Use Planning Act.

• Consideration of a City-initiated Text Amendment to the Hailey Municipal Code to Title 17: Zoning Regulations, Chapter 17.09, Parking and Loading Spaces, Section 17.09.020.11, Minimum distance setbacks to modify setbacks in nonresidential zone districts which do not abut residential zone districts.

• Consideration of a Design Review Application by FAPO Holdings Idaho, LLC c/o Engel and Associates, LLC represented by Samantha Stahnecker, PE, of Galena Engineering, to demolish the 1936 Warehouse Building in the Sawtooth Forest Service Supervisors Complex in order to create additional parking for the mixed-use building located at 314 South River Street. The Forest Service Block served as Sawtooth Headquarters from 1933-1953, which included five (5) buildings, including the Warehouse. The 28-stall parking lot will be located at 306-308 South River Street (Lots 13 and 14A, Block 20, Hailey Townsite) within the Business (B), Downtown Residential Overlay (DRO) and Townsite Overlay (TO) Zoning Districts.

Any and all interested persons are invited to attend this public hearing or submit written comments or direct questions to the Community Development Assistant at 115 South Main Street, Hailey, Idaho 83333, or planning@haileycityhall.org. For special accommodations or to participate in the noticed meeting, please contact the City Clerk 208.788.4221.

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IDAHO MOUNTAIN EXPRESS
SEPT. 18, 2019

LEGAL NOTICE

The Ketchum City Council will hold public hearings at 4:00 p.m., or thereafter as the matters can be heard, on Monday, October 7th, 2019 in City Hall Council Chambers (480 East Ave. N., Ketchum, ID, 83340) regarding following:

1) Proposed amendments (edits) to Title 17, Zoning Regulations of the City of Ketchum. Subject ordinance amendment is referenced as Ordinance #1202 and sets forth proposed edits to the Community Core (CC) District Dimensional Standards and Matrix set forth in §17.12.040 of the Ketchum Municipal Code Title 17 Zoning Regulations. The Amendment would allow a 52' building height for buildings devoted 100% to community housing, and clarify that a project in the CC Subdistrict 1 that provides 100% community housing above the 1st floor and complies with the ground floor street frontage uses of the Subdistrict shall be considered a 100% community housing project.

2) A Lot Line Shift (Readjustment of Lot Lines) application from Robert and Stacey Chess to combine two adjacent non-conforming lots of record in the Limited Residential (LR) zone, 540 N. Walnut (NW 34' x 75' of Lot 2, Block 90, Ketchum Townsite) and 520 N. Walnut (SW 21' x 75' of Lot 2, Block

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

RECEIVED

SEP 16 2019

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Transfer Application No.: 83506

Water Right No(s): 37-22655

Transfer Applicant's Name: WALTER'S READY MIX INC
PO BOX 390
REXBURG ID 83440

Water master's Recommendation:

- a) X I do not oppose approval of this application. *
- b) ~~X~~ I do not oppose approval of this application if it is conditioned as follows:

c) _____ I oppose approval of this application for the following reasons:

d) _____ Additional comments:

Dated this 16th day of September, 2019

Water District No. 37

Kevin Lakey

Water master's Signature

Kevin Lakey

Printed Name

* Per phone call with Kevin 9-17-2019.