STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 83596

This is to certify that: CITY OF POCATELLO
911 N 7TH AVE
PO BOX 4169
POCATELLO, ID 83205

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
29-7118	WR/DECREED	4/11/1973	4.010 cfs	1114.0 af	278.5	N/A	GROUND WATER
29-7119	WR/DECREED	4/11/1973	6.000 cfs	1200.0 af	300.0	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
29-7118	NO	NO	YES	YES	NO	NO
29-7119	NO	NO	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
29-7118	29-7118	4.010 cfs	1114.0 af	278.5	N/A	N/A	N/A	N/A	N/A	N/A
29-7119	29-7119	6.000 cfs	1200.0 af	300.0	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**10.010 cfs**	**2314.0 af**	**578.5**	**N/A**		**N/A**	**N/A**	**N/A**	**N/A**

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

Dated this 22nd day of October, 2019.

Regional Manager

Support Data
In File # 29-7118

Transfer No. 83596

WATER RIGHT NO. 29-7118

As Modified by Transfer No. 83596

In accordance with the approval of Transfer No. 83596, Water Right No. 29-7118 is now described as follows:

Right Holder: CITY OF POCATELLO
911 N 7TH AVE
PO BOX 4169
POCATELLO, ID 83205

Priority Date: 4/11/1973

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
MUNICIPAL	04/01	to	11/01	4.010 cfs	1114.0 af
				4.010 cfs	1114.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSW	Sec 16 Twp 06S Rge 33E POWER County
GROUND WATER	NWNE	Sec 20 Twp 06S Rge 33E POWER County
GROUND WATER	NWSW	Sec 9 Twp 06S Rge 33E POWER County

PLACE OF USE: MUNICIPAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06S	33E	9					X	X	X	X	X	X	X	X					
06S	33E	16					X	X	X	X	X	X	X	X					
06S	33E	17			X	X									X	X		X	
06S	33E	20	X																

CONDITIONS OF APPROVAL

1. The points of diversion added to this right through Transfer 83596 shall not exceed a maximum diversion rate of 9.99 cfs.
2. Municipal use is for irrigation of 278.5 acres within the authorized place of use in a single irrigation season.
3. Rights 29-7118 and 29-7119 when combined shall not exceed a total diversion rate of 10.01 cfs, a total annual maximum diversion volume of 2314.0 af at the field headgate, and the irrigation of 578.5 acres.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.120.

Transfer No. 83596

WATER RIGHT NO. 29-7118

As Modified by Transfer No. 83596

CONDITIONS OF APPROVAL

5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

6. Prior to the diversion and use of water under Transfer approval 83596, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

9. This right does not grant any right-of-way or easement across the land of another.

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

11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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

WATER RIGHT NO. 29-7119

As Modified by Transfer No. 83596

In accordance with the approval of Transfer No. 83596, Water Right No. 29-7119 is now described as follows:

Right Holder: CITY OF POCATELLO
911 N 7TH AVE
PO BOX 4169
POCATELLO, ID 83205

Priority Date: 4/11/1973

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
MUNICIPAL	04/01	to	11/01	6.000 cfs	1200.0 af
				6.000 cfs	1200.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSW	Sec 16 Twp 06S Rge 33E POWER County
GROUND WATER	NWNE	Sec 20 Twp 06S Rge 33E POWER County
GROUND WATER	NWSW	Sec 9 Twp 06S Rge 33E POWER County

PLACE OF USE: MUNICIPAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06S	33E	9					X	X	X	X	X	X	X	X					
06S	33E	16					X	X	X	X	X	X	X	X					
06S	33E	17			X	X									X	X		X	
06S	33E	20	X																

CONDITIONS OF APPROVAL

1. The points of diversion added to this right through Transfer 83596 shall not exceed a maximum diversion rate of 9.99 cfs.
2. Municipal use is for irrigation of 300.0 acres within the authorized place of use in a single irrigation season.
3. Rights 29-7118 and 29-7119 when combined shall not exceed a total diversion rate of 10.01 cfs, a total annual maximum diversion volume of 2314.0 af at the field headgate, and the irrigation of 578.5 acres.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.120.

Transfer No. 83596

WATER RIGHT NO. 29-7119

As Modified by Transfer No. 83596

CONDITIONS OF APPROVAL

5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

6. Prior to the diversion and use of water under Transfer approval 83596, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

9. This right does not grant any right-of-way or easement across the land of another.

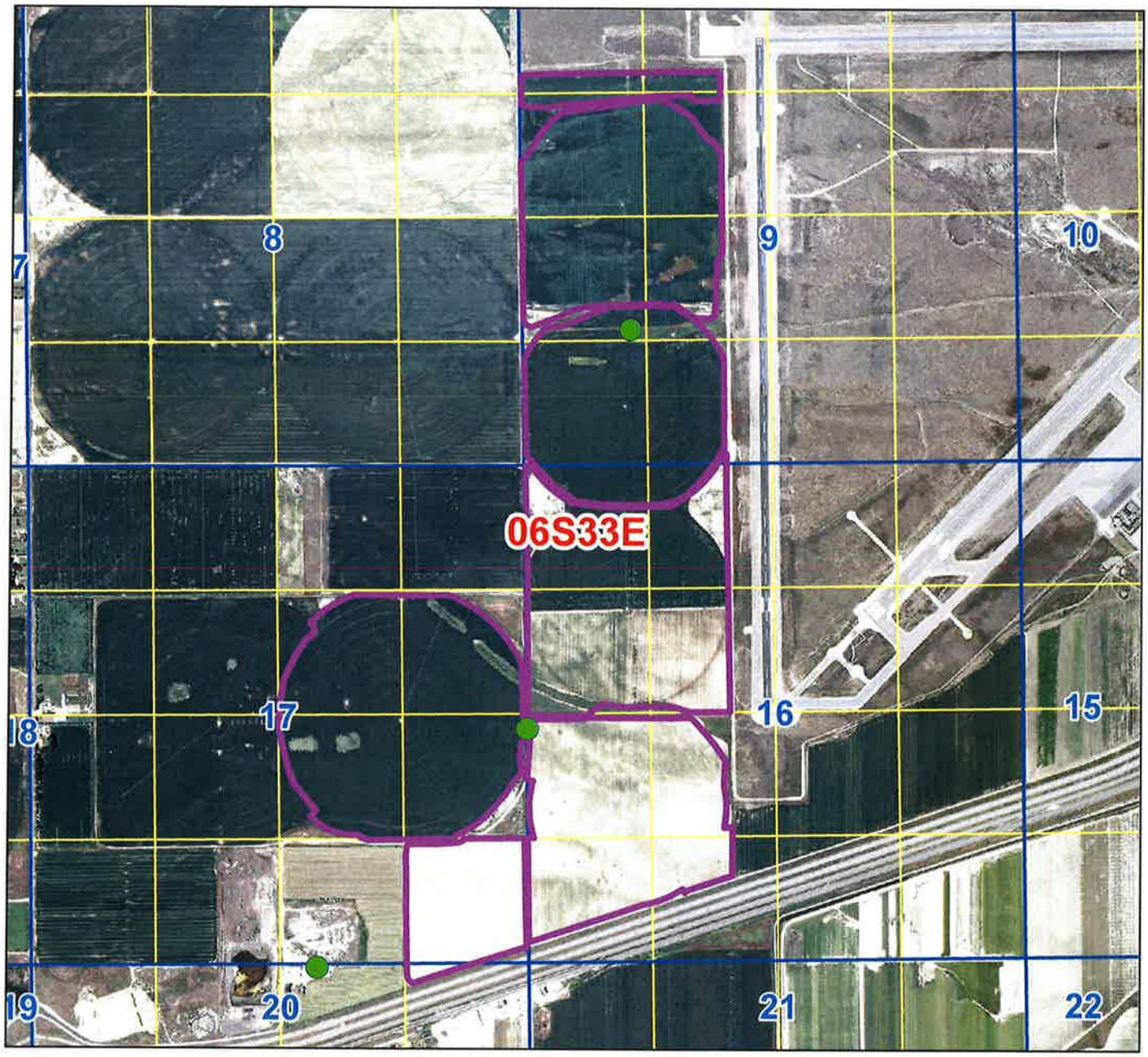
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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

Attachment to Transfer Approval 83596

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



Legend

- Water Right POD
- Water Right POU
- Township/Range
- Sections
- QQ

0 1,000 2,000 4,000 Feet

N
W E
S

Date: 10/22/2019

State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177
Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 22, 2019

CITY OF POCATELLO
911 N 7TH AVE
PO BOX 4169
POCATELLO ID 83205

Re:Transfer No: 83596
Water Right No(s).: 29-7118, 29-7119

Transfer Approval Notice

Dear Water Right Holder:

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) 525-7161.

Sincerely,

James Cefalo
Regional Manager

Enclosure

CC:

CITY OF POCATELLO
SARAH KLAHN
SOMACH SIMMONS & DUNN
2033 11TH ST STE 5
BOULDER CO 80302-5153

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.

CERTIFICATE OF SERVICE

I hereby certify that on October 22, 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.: 83596
Water Right No(s).: 29-7118, 29-7119

CITY OF POCATELLO
911 N 7TH AVE
PO BOX 4169
POCATELLO ID 83205

CITY OF POCATELLO
SARAH KLAHN
SOMACH SIMMONS & DUNN
2033 11TH ST STE 5
BOULDER CO 80302-5153

Christina Henman
Administrative Assistant