

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83449**

This is to certify that: CITY OF RIGBY
158 W FREMONT AVE
RIGBY, ID 83442

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>
25-10496	WR/DECREED	12/31/1958	3.900 cfs	N/A	N/A	N/A	GROUND WATER
25-4009	WR/DECREED	2/1/1947	2.800 cfs	N/A	N/A	N/A	GROUND WATER
25-4010	WR/DECREED	12/31/1920	1.450 cfs	N/A	N/A	N/A	GROUND WATER
25-4011	WR/DECREED	12/31/1961	2.450 cfs	N/A	N/A	N/A	GROUND WATER
25-7523	WR/LICENSE	6/9/1989	2.510 cfs	N/A	N/A	N/A	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>
25-10496	NO	NO	NO	YES	NO	NO
25-4009	NO	NO	NO	YES	NO	NO
25-4010	NO	NO	NO	YES	NO	NO
25-4011	NO	NO	NO	YES	NO	NO
25-7523	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
25-10496	25-10496	3.900 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
25-4009	25-4009	2.800 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
25-4010	25-4010	1.450 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
25-4011	25-4011	2.450 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
25-7523	25-7523	2.510 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		13.110 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 25-4009

Transfer No. 83449

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 83449

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 16th day of September, 2019

for 
Chief, Water Allocation Bureau



WATER RIGHT NO. 25-4009

As Modified by Transfer No. 83449

In accordance with the approval of Transfer No. 83449, Water Right No. 25-4009 is now described as follows:

Right Holder: CITY OF RIGBY
158 W FREMONT AVE
RIGBY, ID 83442

Priority Date: 2/1/1947

Source: GROUND WATER

BENEFICIAL USE
MUNICIPAL

From 01/01 **To** 12/31

Diversion Rate
2.800 cfs
2.800 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 17 Twp 04N Rge 39E	JEFFERSON County
GROUND WATER	L2 (SWNW)	Sec 18 Twp 04N Rge 39E	JEFFERSON County
GROUND WATER	NWSESW	Sec 18 Twp 04N Rge 39E	JEFFERSON County
GROUND WATER	NWNENW	Sec 19 Twp 04N Rge 39E	JEFFERSON County
GROUND WATER	NWNW	Sec 29 Twp 04N Rge 39E	JEFFERSON County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Rigby municipal water supply system as provided for under Idaho Law.
2. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
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. 120.
4. Prior to diversion and use of water under Transfer approval 83449, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
5. 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.
6. This right does not grant any right-of-way or easement across the land of another.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Transfer No. 83449

WATER RIGHT NO. 25-4009
As Modified by Transfer No. 83449

CONDITIONS OF APPROVAL

8. The right holder shall accomplish the change authorized by this transfer within one year(s) 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. 25-4010
As Modified by Transfer No. 83449

In accordance with the approval of Transfer No. 83449, Water Right No. 25-4010 is now described as follows:

Right Holder: CITY OF RIGBY
158 W FREMONT AVE
RIGBY, ID 83442

Priority Date: 12/31/1920

Source: GROUND WATER

BENEFICIAL USE
MUNICIPAL

From 01/01 **To** 12/31

Diversion Rate
1.450 cfs
1.450 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 17 Twp 04N Rge 39E	JEFFERSON County
GROUND WATER	L2 (SWNW)	Sec 18 Twp 04N Rge 39E	JEFFERSON County
GROUND WATER	NWSESW	Sec 18 Twp 04N Rge 39E	JEFFERSON County
GROUND WATER	NWNENW	Sec 19 Twp 04N Rge 39E	JEFFERSON County
GROUND WATER	NWNW	Sec 29 Twp 04N Rge 39E	JEFFERSON County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Rigby municipal water supply system as provided for under Idaho Law.
2. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
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. 120.
4. Prior to diversion and use of water under Transfer approval 83449, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
5. 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.
6. This right does not grant any right-of-way or easement across the land of another.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Transfer No. 83449

WATER RIGHT NO. 25-4010
As Modified by Transfer No. 83449

CONDITIONS OF APPROVAL

8. The right holder shall accomplish the change authorized by this transfer within one year(s) 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. 25-4011

As Modified by Transfer No. 83449

In accordance with the approval of Transfer No. 83449, Water Right No. 25-4011 is now described as follows:

Right Holder: CITY OF RIGBY
158 W FREMONT AVE
RIGBY, ID 83442

Priority Date: 12/31/1961

Source: GROUND WATER

BENEFICIAL USE
MUNICIPAL

From
01/01

To
to 12/31

Diversion Rate
2.450 cfs
2.450 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 17 Twp 04N Rge 39E	JEFFERSON County
GROUND WATER	L2 (SWNW)	Sec 18 Twp 04N Rge 39E	JEFFERSON County
GROUND WATER	NWSESW	Sec 18 Twp 04N Rge 39E	JEFFERSON County
GROUND WATER	NWNENW	Sec 19 Twp 04N Rge 39E	JEFFERSON County
GROUND WATER	NWNW	Sec 29 Twp 04N Rge 39E	JEFFERSON County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Rigby municipal water supply system as provided for under Idaho Law.
2. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
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. 120.
4. Prior to diversion and use of water under Transfer approval 83449, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
5. 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.
6. This right does not grant any right-of-way or easement across the land of another.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Transfer No. 83449

WATER RIGHT NO. 25-4011
As Modified by Transfer No. 83449

CONDITIONS OF APPROVAL

8. The right holder shall accomplish the change authorized by this transfer within one year(s) 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. 25-7523
As Modified by Transfer No. 83449

In accordance with the approval of Transfer No. 83449, Water Right No. 25-7523 is now described as follows:

Right Holder: CITY OF RIGBY
158 W FREMONT AVE
RIGBY, ID 83442

Priority Date: 6/9/1989

Source: GROUND WATER

BENEFICIAL USE
MUNICIPAL

From
01/01

To
to 12/31

Diversion Rate
2.510 cfs
2.510 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 17 Twp 04N Rge 39E	JEFFERSON County
GROUND WATER	L2 (SWNW)	Sec 18 Twp 04N Rge 39E	JEFFERSON County
GROUND WATER	NWSESW	Sec 18 Twp 04N Rge 39E	JEFFERSON County
GROUND WATER	NWNENW	Sec 19 Twp 04N Rge 39E	JEFFERSON County
GROUND WATER	NWNW	Sec 29 Twp 04N Rge 39E	JEFFERSON County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Rigby municipal water supply system as provided for under Idaho Law.
2. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
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. 120.
4. Prior to diversion and use of water under Transfer approval 83449, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
5. 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.
6. This right does not grant any right-of-way or easement across the land of another.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Transfer No. 83449

WATER RIGHT NO. 25-7523
As Modified by Transfer No. 83449

CONDITIONS OF APPROVAL

8. 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.
9. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



WATER RIGHT NO. 25-10496
As Modified by Transfer No. 83449

In accordance with the approval of Transfer No. 83449, Water Right No. 25-10496 is now described as follows:

Right Holder: CITY OF RIGBY
158 W FREMONT AVE
RIGBY, ID 83442

Priority Date: 12/31/1958

Source: GROUND WATER

BENEFICIAL USE
MUNICIPAL

From 01/01 **To** 12/31

Diversion Rate
3.900 cfs
3.900 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 17 Twp 04N Rge 39E	JEFFERSON County
GROUND WATER	L2 (SWNW)	Sec 18 Twp 04N Rge 39E	JEFFERSON County
GROUND WATER	NWSESW	Sec 18 Twp 04N Rge 39E	JEFFERSON County
GROUND WATER	NWNENW	Sec 19 Twp 04N Rge 39E	JEFFERSON County
GROUND WATER	NWNW	Sec 29 Twp 04N Rge 39E	JEFFERSON County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Rigby municipal water supply system as provided for under Idaho Law.
2. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
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. 120.
4. Prior to diversion and use of water under Transfer approval 83449, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
5. 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.
6. This right does not grant any right-of-way or easement across the land of another.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Transfer No. 83449

WATER RIGHT NO. 25-10496
As Modified by Transfer No. 83449

CONDITIONS OF APPROVAL

8. The right holder shall accomplish the change authorized by this transfer within one year(s) 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.

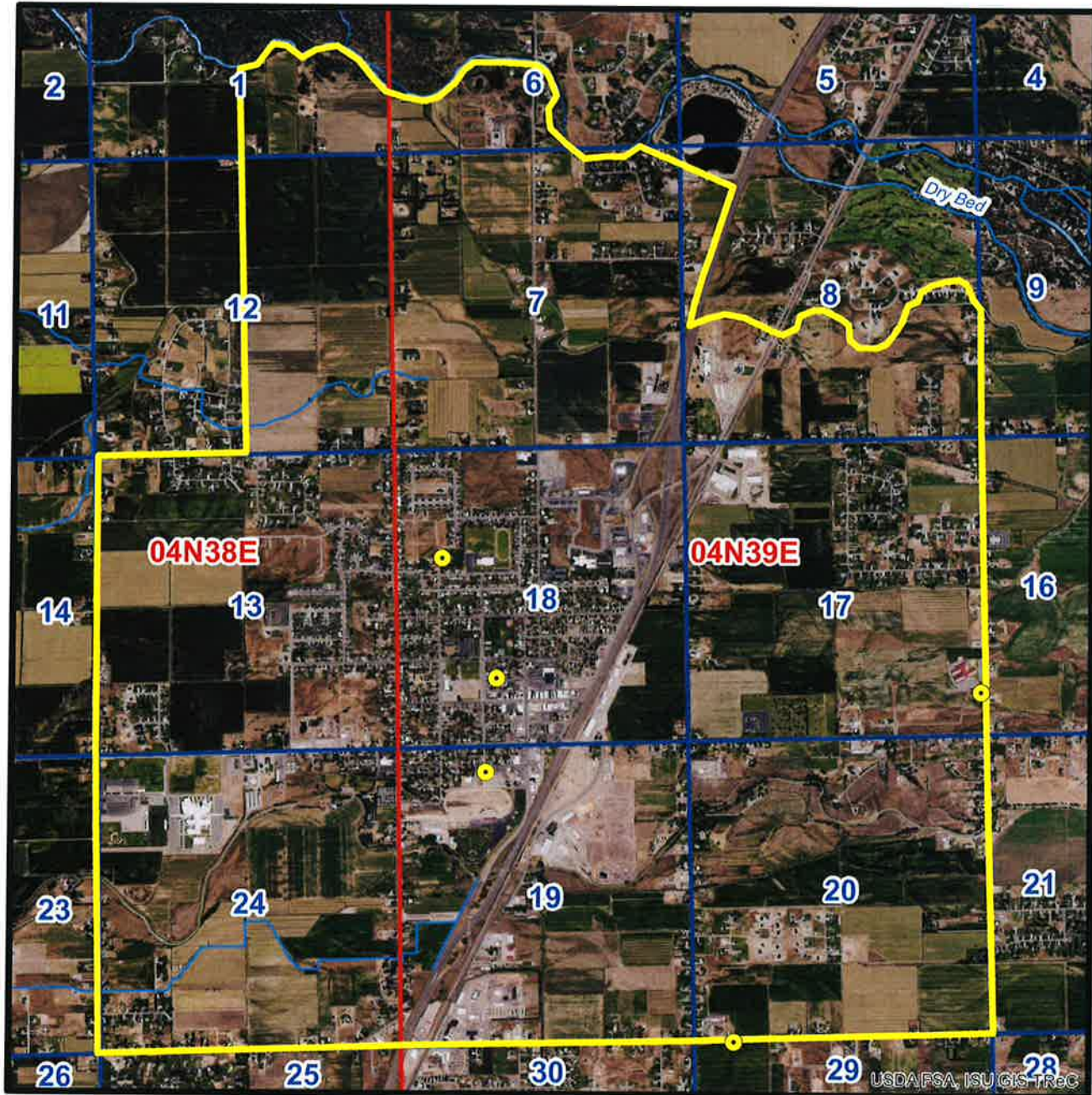


Transfer of Water Right

Transfer No. 83449

Municipal Water Service Area Boundary for City of Rigby

Water Rights: 25-4009, 25-4010, 25-4011, 25-7523, and 25-10496

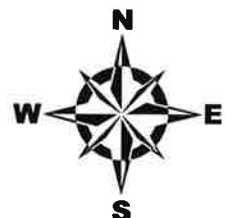


Legend

- Point of Diversion
- Municipal Service Area Boundary
- Township/Range
- Sections

0 0.4 0.8 1.6 Miles

1 inch = 0.52 miles



Date: 8/26/2019



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

September 16, 2019

CITY OF RIGBY
158 W FREMONT AVE
RIGBY ID 83442

Re: Transfer No: 83449
Water Right No(s): 25-4009, 25-4010, 25-4011, 25-7523, 25-10496
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,

A handwritten signature in black ink, appearing to read 'J Cefalo', written in a cursive style.

James Cefalo

Regional Manager

Enclosure

JC:CH

CERTIFICATE OF SERVICE

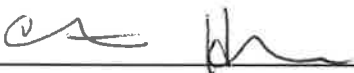
I hereby certify that on September 16, 2019 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 83449

Water Right No(s): 25-4009, 25-4010, 25-4011, 25-7523, 25-10496

**CITY OF RIGBY
158 W FREMONT AVE
RIGBY ID 83442**

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

A handwritten signature in black ink, appearing to read 'CH', is written over a horizontal line.

**Christina Henman
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: August 26, 2019
To: Transfer 83449
From: Jeff Nield
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to add a point of diversion to water rights 25-4009, 25-4010, 25-4011, 25-7523, and 25-10496. The new well will be included in the interconnected municipal water system for the City of Rigby.

Authority to File:

Department records show that the applicant is the current owner of the water rights. Jason Richardson, who is the Mayor of Rigby, signed the application.

Water Right Validity:

The water rights were decreed in the SRBA in 2005, with the exception of water right 25-7523, which was licensed in 1994. There is no evidence that these rights have not been consistently used for municipal purposes within the City of Rigby's municipal water delivery system. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

Since the City of Rigby utilizes a complex water delivery system within the boundaries of the ESPA, the applicant submitted an evaluation and map using the weighted point of diversion centroid approach. The weighted centroid of the existing points of diversion and weighted centroid of the proposed point of diversion are in adjacent ESPA model cells. The weighted centroid approach has been acceptable to the Department to satisfy the analysis requirement for past point of diversion changes within the ESPA. No model run is required. The transfer application was advertised and no protests were received. The watermaster does not oppose the approval of the transfer. Injury to other water rights does not appear to be an issue.

Enlargement of Use:

The proposed change will not result in an increase in any of the elements of the water right. Enlargement does not appear to be an issue.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.

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.

Proof of Publication

The Post Register

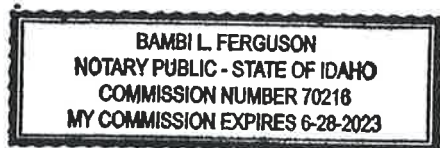
State of Idaho
County of Bonneville

I, Dawn Giannini or ~~Collins Crapo~~, first being duly sworn, depose and say: That I am the Classified Manager, or ~~Processing Clerk~~ of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published Tuesday through Sunday at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880, and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidations up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register under ad number: **159586** for **2** consecutive (days) weeks, between **07/25/2019** and **08/01/2019**, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Dawn Giannini

Subscribed and sworn to before me, this 1st day of August 2019



Bambi L. Ferguson
Notary Public
My commission expires: 06/28/2023

_____ attached jurat _____

RECEIVED
AUG 21 2019

Department of Water Resources
Eastern Region

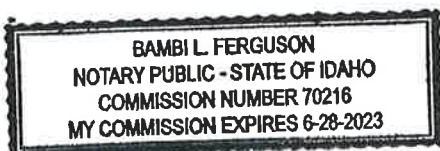
STATE OF IDAHO

ss.

COUNTY OF BONNEVILLE

Subscribed and sworn to before me, this 1st day of August 2019, before me, the undersigned, a Notary public for said state, personally appeared Dawn Giannini or ~~Collins Crapo~~, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Bambi L. Ferguson
Notary Public for The Post Company
Residing: Idaho Falls, Idaho
Commission expires: 06/28/2023

**NOTICE OF PROPOSED CHANGE OF WATER
RIGHT**

TRANSFER NO. 83449

CITY OF RIGBY, 158 W FREMONT AVE, RIGBY, ID 83442; has filed Application No. 83449 for changes to the following water rights within JEFFERSON County(s): Right No(s). 25-10496, 25-4009, 25-4010, 25-4011, 25-7523; 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: add point of diversion. The points of diversion are in SESE Sec 17, Lot 2 (SWNW) and NWSESW Sec 18, NWNENW Sec 19, and NWNW (new) Sec 29, T4N R39E for 13.11 cfs from ground water. The place of use remains the same.

For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before August 12, 2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on July 25 and August 1, 2019
(159586 - 42771)

*** Proof of Publication ***

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

RUBY AUFDERHEIDE, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

WATER RESOURCES
ATTN: SHARLA COX
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402

ORDER NUMBER 89682

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
SS
COUNTY OF TWIN FALLS)

On this 1ST day of August in the year of 2019 before me, a Notary Public, personally appeared before me Ruby Aufderheide known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Reba M Davis
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 5/8/2020



Section: Legals

Category: 50 Legal

PUBLISHED ON: 07/25/2019, 08/01/2019

TOTAL AD COST: 81.75
FILED ON: 8/1/2019

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For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before August 12, 2019. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
Published on July 25 and August 1, 2019

RECEIVED
AUG 07 2019
Department of Water Resources
Eastern Region

AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PQ	Amount	Cols	Depth
263963	0004307177	NOTICE OF PROPOSED CHANGE OF WATER	TRANSFER NO. 83449	\$94.10	1	5.00 In

Attention: Sharla Cox

IDAHO DEPT OF WATER RESOURCE / EAST
900 N SKYLINE DR SUITE A
IDAHO FALLS, ID 834021700

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 83449

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GARY SPACKMAN,
Director

0004307177-01

VICTORIA RODELA, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

Beginning issue of: 07/25/2019

Ending issue of: 08/01/2019

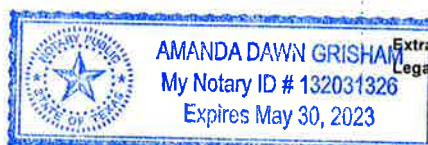
V. Rodela

(Legals Clerk)

On this 1st day of August in the year of 2019 before me, a Notary Public, personally appeared before me Victoria Rodela known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Amanda Dawn Grisham

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

TRIBUNE PUBLISHING COMPANY, INC

The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date:	<u>08/01/2019</u>	INVOICE NO.	<u>153364</u>
Account No.	<u>446600</u>		
Description	<u>153364 NOTICE O</u>		
Times	<u>2</u>	Lines	<u>26</u>
		Tab. lines	
		\$	<u>76.05</u>

**LEGAL ADVERTISING
INVOICE**

Sold To: IDAHO DEPT/ WATER RESOURCES
900 N. SKYLINE DR, STE A
IDAHO FALLS ID 83402

PO#

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

153364

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83449**

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GARY SPACKMAN, Director

Published on July 25 and
August 1, 2019

RECEIVED

AUG 05 2019

Department of Water Resources
Eastern Region



AFFIDAVIT OF PUBLICATION

Julie L. Winters, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, publishers of the Lewiston Tribune, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 153364 NOTICE O attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune,

2 time(s). Publication being on 07/25, or once a Week Week for 2 consecutive the first publication thereof being on the 07/25/2019, and the last publication thereof being on the 08/01/2019, and said 153364 NOTICE O was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above

Julie L. Winters
State of Idaho

S.S.

County of Nez Perce

On this 1st day of Aug in the year of 2019, before me, a Notary Public, personally appeared Julie L. Winters, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Cheri Whitby
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 4/17/21

The Jefferson Star
Rigby, Idaho

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Jefferson

I, Gerri McMinn of The Jefferson Star, published weekly at Rigby, Jefferson County, Idaho, do solemnly swear that the

Notice of Water
Right change

a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for 2 consecutive issues, the first publication having been made on 07/24/2019 and the last publication having been made on 07/31/2019. Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has continuously and uninterruptedly published in said county during a period of seventy eight consecutive weeks prior to the first publication of the said notice.

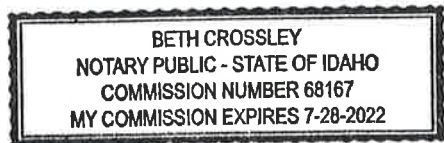
Gerri McMinn

On this 31st day of July
in the year of 2019, before me, a Notary Public,
personally appeared

Gerri McMinn

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Beth Crossley
Notary Public of Idaho
Residing at Idaho Falls
My commission expires _____



RECEIVED

AUG 02 2019

Department of Water Resources
Eastern Region

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GARY SPACKMAN, Director
Published in the Jefferson Star, Rigby, Idaho,
July 24 and 31, 2019. (159609)

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No(s).: 83449

Applicant's Name: City of Rigby

Watermaster's Recommendation:

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

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

- d) ☒ Additional Comment: *I don't oppose ^{Application} approval if
ES&A Analysis approach is acceptable to IDWR.*

Dated this 19 day of July, 2019.

Water District No: 120


Watermaster's Signature