

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83343**

This is to certify that: CITY OF NEW MEADOWS
PO BOX 324
NEW MEADOWS, ID 83634

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>
78-2053	WR/DECREED	7/20/1948	1.000 cfs	N/A	N/A	N/A	GROUND WATER
78-7012	WR/DECREED	9/27/1969	1.300 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

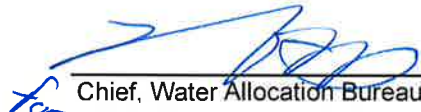
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
78-2053	NO	NO	NO	YES	NO	NO
78-7012	NO	NO	NO	YES	NO	NO

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>
78-2053	78-2053	1.000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
78-7012	78-7012	1.300 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.300 cfs	N/A	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 22nd day of August, 2019.



Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 78-2053

Transfer No. 83343

WATER RIGHT NO. 78-2053

As Modified by Transfer No. 83343

In accordance with the approval of Transfer No. 83343, Water Right No. 78-2053 is now described as follows:

Right Holder: CITY OF NEW MEADOWS
PO BOX 324
NEW MEADOWS, ID 83634

Priority Date: 7/20/1948

Source: GROUND WATER

BENEFICIAL USE

MUNICIPAL

From

1/01

To

to 12/31

Diversion Rate

1.000 cfs

1.000 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SWNE

Sec 24 Twp 19N Rge 01E ADAMS County

GROUND WATER

SWNW

Sec 24 Twp 19N Rge 01E ADAMS County

GROUND WATER

NESW

Sec 24 Twp 19N Rge 01E ADAMS County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of New Meadows 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. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use or where the use of surface water was replaced by the use of water diverted in connection with this right before the approval of Transfer 83343. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
6. To the extent necessary for administration, water was first appropriated or used from New Meadows Well No. 2 located in T19N, R01E, S24, NESW, on 07/20/1948 in the amount of 1.00 cfs.

Transfer No. 83343

WATER RIGHT NO. 78-2053
As Modified by Transfer No. 83343

CONDITIONS OF APPROVAL

7. Transfer 83343 authorizes the following additional wells:
No. 3 located in T19N R01E S24 SWNW
No. 5 located in T19N R01E S24 SWNE
as a point(s) of diversion under this right as of the date of approval.
8. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
9. The right holder shall accomplish the change authorized by this transfer within one year 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.
11. 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. 78-7012

As Modified by Transfer No. 83343

In accordance with the approval of Transfer No. 83343, Water Right No. 78-7012 is now described as follows:

Right Holder: CITY OF NEW MEADOWS
PO BOX 324
NEW MEADOWS, ID 83634

Priority Date: 9/27/1969

Source: GROUND WATER

BENEFICIAL USE

MUNICIPAL

From

01/01

to

To

12/31

Diversion Rate

1.300 cfs

1.300 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SWNE

Sec 24 Twp 19N Rge 01E ADAMS County

GROUND WATER

SWNW

Sec 24 Twp 19N Rge 01E ADAMS County

GROUND WATER

NESW

Sec 24 Twp 19N Rge 01E ADAMS County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of New Meadows 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. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use or where the use of surface water was replaced by the use of water diverted in connection with this right before the approval of Transfer 83343. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
6. To the extent necessary for administration, water was first appropriated or used from: New Meadows Well No. 3 located in T19N, R01E, S24, SWNW, on 9/27/1969 in the amount of 1.30 cfs.

Transfer No. 83343

WATER RIGHT NO. 78-7012
As Modified by Transfer No. 83343

CONDITIONS OF APPROVAL

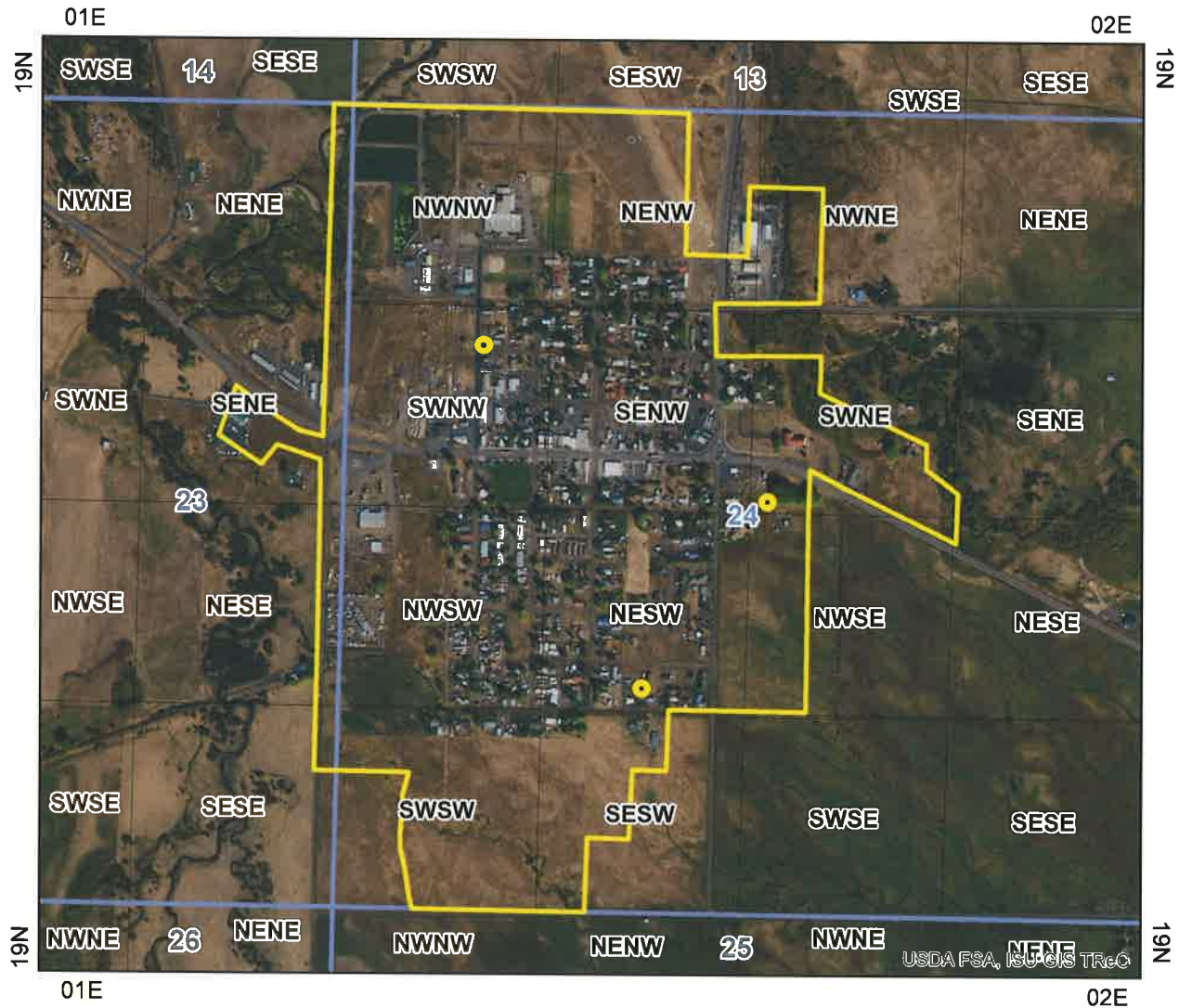
7. Transfer 83343 authorizes the following additional well:
No. 5 located in T19N R01E S24 SWNE
as a point(s) of diversion under this right as of the date of approval.
8. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
9. The right holder shall accomplish the change authorized by this transfer within one year 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.
11. 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.

City Of New Meadows

Attachment to Water Right Transfer 83343

78-2053 and 78-7012

This map depicts the MUNICIPAL 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

Water Service Area Boundary

Townships

PLS Sections

Quarter Quarters

0 0.125 0.25 0.5 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 22, 2019

CITY OF NEW MEADOWS
PO BOX 324
NEW MEADOWS ID 83634

Re: Transfer No.: 83343
Water Right Nos: 78-2053, 78-7012

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Rights. Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Rights 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) 334-2190

Sincerely,



Anna Kaser



Nick Miller
Regional Manager

Enclosure

CC:
MOUNTAIN WATERWORKS INC
PO BOX 9906
BOISE ID 83707

CERTIFICATE OF SERVICE

I hereby certify that on August 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.: 83343
Water Right No(s).: 78-2053, 78-7012

CITY OF NEW MEADOWS
PO BOX 324
NEW MEADOWS ID 83634

MOUNTAIN WATERWORKS INC
PO BOX 9906
BOISE ID 83707

A handwritten signature in blue ink, appearing to read 'Anna Kaiser', is positioned above a horizontal line.

Anna Kaiser
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

TO: Transfer No. 83343
FROM: Patrick Kelly
DATE: 8/7/2019
RE: Evaluation of Application

Summary of Information Submitted

New Meadows filed transfer no. 83343 to add a third well/point of diversion to water rights 78-2053 and 78-7012. The city uses groundwater to supply its public drinking water from two existing wells (Well 3 & 4). The new well (Well 5) is proposed to replace Well 4 as a primary source to the system. Well 4 will be kept to supplement supply.

Well 5 will be located on parcel no. RPM0240005001A, located approximately at the intersection of S Norris and Katherine Ave., in New Meadows, ID.

Ed Stowe of Mountain Waterworks is the representative to the applicant. Ed may be reached at 208-780-3990.

Authority to File

The application was filed in the name of City of New Meadows and signed by Darbey Edwards. The City of New Meadows owns the property at the proposed well site through a perpetual lease agreement with the property owner. The water rights are in the name of the city and Mr. Edwards is the current mayor.

Water Right Validity

78-2053 and 78-7012 were decreed in 2007. The city is recognized as a municipal provider, delivering water to the community of New Meadows within the place of use. Concerns over validity are not present.

Overlap Analysis

78-2053 and 78-7012 are the only municipal water rights that serve the city. No other rights should be considered for this transfer.

Injury to Other Water Rights

None anticipated. The new point of diversion will appropriate groundwater from a well that will be constructed to IDWR and DEQ public drinking water standards. Protests to the application were not received during the announcement period.

Enlargement of Use

Changes to the limits already authorized by the water right are not occurring and diversion from all three wells will still be restricted to 2.30 cfs post transfer. Changes to the water delivery system are not proposed.

Local Public Interest

It is within the public interest that municipal water can be adequately provided.

Beneficial Use/Conservation of Water Resources

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Summary

Assuming other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

STATE OF IDAHO)
) SS
COUNTY OF ADAMS)

Dara J Victorino being duly sworn, deposes and says that she is the Principle Clerk of the Adams County Record, a weekly newspaper printed and published at Council, Adams County, State of Idaho and having a general circulation therein and which said newspaper has been published continuously and uninterrupted in said County for a period of seventy-eight (78) consecutive weeks prior to the first publication of the advertisement, a copy of which is attached thereto: that advertisement was published in the regular edition of The Adams County Record for two (2) insertions beginning with the Issue of June 19, 2019 and ending with the Issue of June 26, 2019.

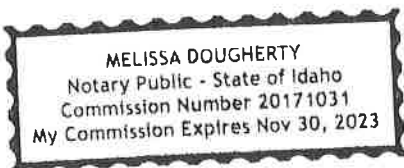
_____ Dara J Victorino _____

On this 26th day of June, 2019, before me, a Notary Public, personally appeared Dara J Victorino, known or identified to me to be the person whose name subscribed to the written instrument, and being by me first and duly sworn, declared that the statements therein are true and acknowledged to me that she executed the same.

_____ Melissa Dougherty _____
Notary Public of Idaho

Residing at Council, Id _____

My Commission Expires 11/30/2023 _____



To: _____ IDAHO DEPARTMENT OF WATER RESOURCES _____

Subject: _____ TRANSFER NO. 83343 _____

LEGAL NOTICE

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 83343

CITY OF NEW MEADOWS, PO BOX 324, NEW MEADOWS, ID 83634; has filed Application No. 83343 for changes to the following water rights within ADAMS County(s): Right No(s). 78-2053, 78-7012; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/Query-NewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: The purpose of the transfer is to add a third well to the municipal system. Changes to the delivery of water is not proposed by the City. The proposed point of diversion is located approximately 300 ft. east of intersection S Norris Ave and Katherine Ave.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s) or proposed transfer(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 7/8/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/19/2019 and 6/26/2019

Published in the Adams County Record on June 19, 2019 • June 26, 2019

✓OK
AK
7/9/2019