

T5345 NORTH FORK ENERGY

5/10/02
RSC

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 5345
WATER RIGHT NO. 35-08782

RECEIVED
JAN 19 1999
Department of Water Resources
Eastern Region

This is to certify that: **NORTH FORK ENERGY INC**
PO BOX 5405
BOISE ID 83705

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
FISH PROPAGATION	01/01 to 12/31	4.64 CFS	3353.3 AF

SOURCE

GROUNDWATER

Priority: 05/23/1989

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 24, Township 04S, Range 32E
SENE , Sec. 24, Township 04S, Range 32E
BINGHAM County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

04S 32E 24	SWNE	SENE	SWSW
	SESW		
25	NENW	NWNW	
26	NENE	SWNE	SENE

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. A total of 10 wells located within the E1/2NE, S24, T04S, R32E are authorized for use under Right 35-08782.
3. The total number of wells authorized development and use under this transfer approval shall be completed within three (3) years of the date of this approval.
4. The right holder shall submit a map identifying the specific location of all wells developed under this approval within three (3) years of the date of this approval.

TRANSFER NO. 5345
WATER RIGHT NO. 35-08782

CONDITIONS OF APPROVAL AND REMARKS

5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster of State Water District No. 01, Snake River District.
6. The total instantaneous diversion of water from all points of diversion under Transfer 5345 shall not exceed 4.64 cfs, nor a total combined annual volume of 3353.3 af.
7. Approval of Transfer 5345 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
8. Use of water under this right shall be non-consumptive.
9. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
10. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
11. The right holder shall provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.
12. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Dated this 14th day of

January, 1999.

A. Glen Saylor
Chief, Water Allocation Bureau

MEMORANDUM

TO: File 35-08782

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5345

DATE: January 12, 1999

Transfer 5345 changes and adds points of diversion, and changes the place of use under Right 35-08782. The applicant is transferring the groundwater source for the fish facility upstream of the current location to provide greater efficiency in production and water supply.

The application identifies two quarter quarters or the E1/2NE, S24, T04S, R32E as the location of at least one (1) well, with plans to drill several wells to provide the full rate of diversion under this right. I contacted the applicant's consultant on this project, Chuck Brockway Sr., and confirmed that no more than 10 wells would be drilled under this transfer approval in the two quarter quarters. A condition requiring the applicant to submit a map of the final location of all wells was included on the approval.

Other recommended conditions include drilling permit requirements, measuring devices & lockable controlling works, right-of-way, licensing conditions and standard transfer conditions.

5/10/02 No SRBA claim.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant North Fork Energy Inc Phone 208 328 2306
Post Office address P.O. Box 5405 Boise, ID 83705

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe the reason for the proposed changes To better utilize water for fish propagation in existing facilities and provide an additional artesian well supply.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|-------------------|--------------------|-------------------|------------------------------|
| <u>35-08782</u> | <u>05/23/1989</u> | <u>4.64</u> | <u>Fish Prop.</u> | <u>01-01</u> to <u>12-31</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
- Total amount of water being transferred 4.64 cubic feet per second and/or _____ acre-feet per annum.
- Source of water artesian well * tributary to Boom Creek
- Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	24	4S	32E	Bingham	1 well *
		SE	NE	"	"	"		

- Lands irrigated or place of use: *If the first well drilled does not achieve 4.64cfs, oth wells can be approved to do so.

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4S	32E	24			HR	HR							HR	HR					
		25					HR	HR											
		26	HR		HR	HR													

Total acres _____

PART 1

6. General Information:

a. Description of diversion system Spring and artesian wells. Flow from the artesian wells will be piped to the head of raceways or the hatchery. Discharge from raceways flows down Boom Creek to American Falls reservoir

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
☐ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

Transfer of this source to the upstream area of the fish propagation facilities will provide greater efficiency in production and the water supply system.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

Page 3 of 7Transfer No. 5345

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 35-08782 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☒ Tax notice☐ Warranty Deed☐ Other _____3. Source of water Groundwater tributary to _____4. Date of priority 05/23/1989

5. Water is used for the following purpose:

Amount 4.64 for Fish Prop. purposes from 01/01 to 12/31
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.64 cubic feet per second and/or 3353.3 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
<u>2</u>		<u>SW</u>	<u>NW</u>	<u>30</u>	<u>4S</u>	<u>33E</u>	<u>Bingham</u>	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>4S</u>	<u>33E</u>	<u>30</u>							<u>H*</u>			<u>H*</u>							
									<u>L-2</u>			<u>L-3</u>							

See attached map

Total acres _____

9. Describe any other water rights used for the same purpose as described above 35-04271, 35-08679, 35-08635

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(if the entire right is to be changed by the applicant, omit part B and C)

1. Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

Total acres _____

1. Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

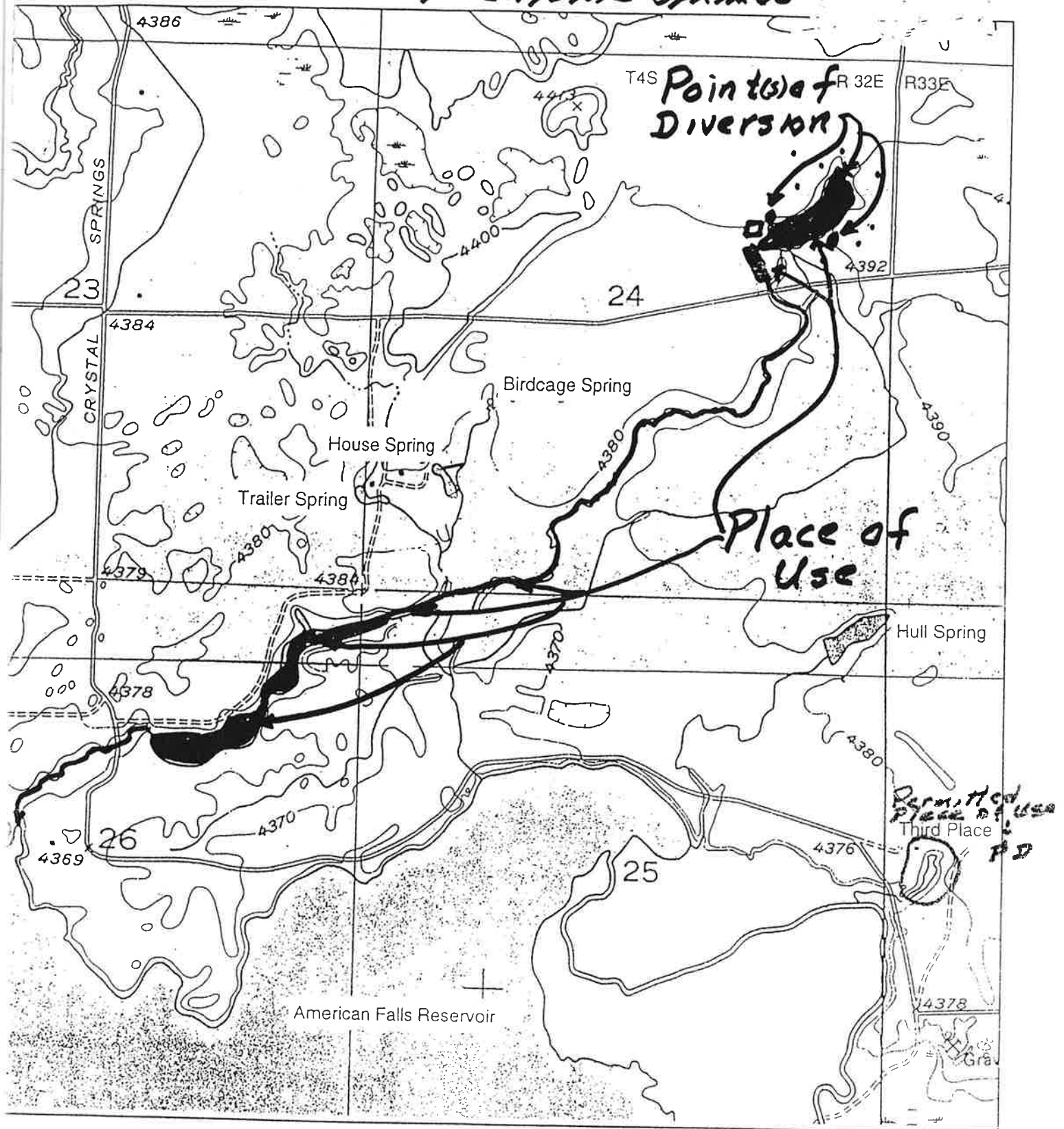
Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

NORTH FORK ENERGY - CRYSTAL SPRINGS

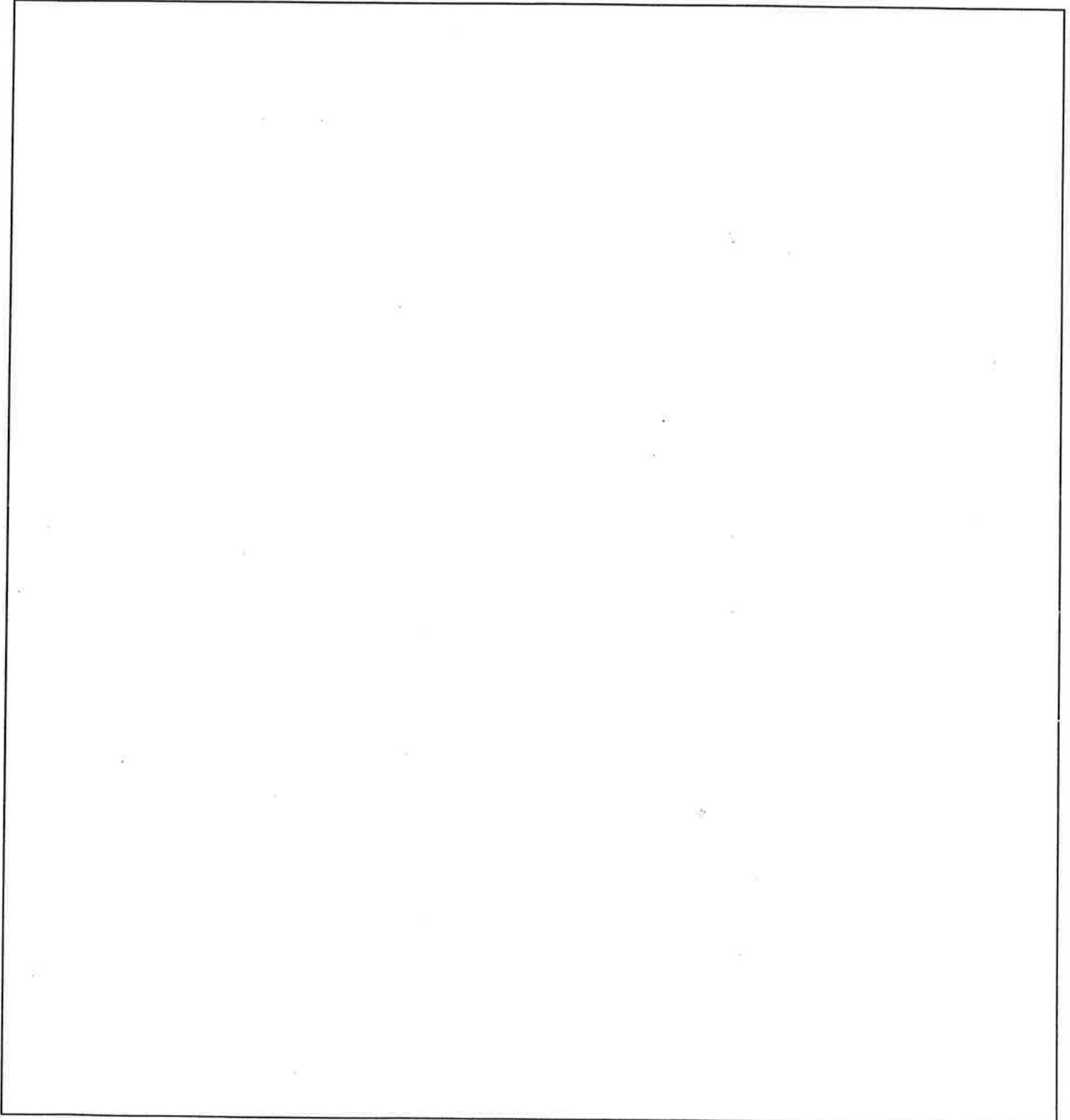


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equals 1 mile. Draw plan in ink.

PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use Amount Hours/days/year Period of Use
(cfs/ac-ft)
- _____ to _____
_____ to _____
2. Quantity and quality of return flows and location of discharge:
Entire flow from springs and wells discharges into American Falls reservoir
3. Describe the effects on other water uses resulting from the proposed change:
There are no diversions downstream of this facility and no change in net use will occur

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 30th

day of July, 19 98.

(Signature of Applicant) Hugary R. Linsbury

TREASURER

(Notary Public) Cynthia L. Parrish Jones

My commission expires July 25, 2003

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by HWT Date 8-5-98

Protest filed by _____

Prelim. check by _____ Fee \$100.00

Received by HWT #EQ24321 Date 8-5-98

Published in Morning News

Copies of protest forwarded by _____

Pub. dates Nov 19 & 26th 1998

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ Approval ☐ Denial

_____ rec'd.

by _____

Copy of transfer sent to lien holder _____