

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82435**

This is to certify that: CASSIA JOINT SCHOOL DISTRICT #151
3650 OVERLAND AVE
BURLEY, ID 83318-3242

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>
45-11900	WR/DECREED	3/15/1956	0.260 cfs	52.0 af	N/A	13.0	GROUND WATER
45-7207	WR/DECREED	3/22/1975	0.360 cfs	72.0 af	N/A	18.0	GROUND WATER
45-7208	WR/DECREED	12/19/1974	0.220 cfs	44.0 af	N/A	11.0	GROUND WATER
45-7236	WR/DECREED	4/28/1975	0.130 cfs	26.4 af	N/A	6.6	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>
45-11900	YES	YES	YES	NO	NO	NO
45-7207	YES	YES	YES	NO	NO	NO
45-7208	YES	YES	YES	NO	NO	NO
45-7236	YES	YES	YES	NO	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>
45-11900	45-14512	0.030 cfs	6.5 af	1.6	7.6	45-11900	0.230 cfs	45.5 af	N/A	11.4
45-7207	45-14509	0.050 cfs	9.2 af	2.3	7.6	45-7207	0.310 cfs	62.8 af	N/A	15.7
45-7208	45-14510	0.050 cfs	10.3 af	2.6	7.6	45-7208	0.170 cfs	33.7 af	N/A	8.4
45-7236	45-14511	0.020 cfs	4.3 af	1.1	7.6	45-7236	0.110 cfs	22.1 af	N/A	5.5
COMBINED TOTALS		0.150 cfs	30.3 af	N/A	7.6		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 8th day of August, 2018.



PAMELA S. SKAGGS, Water Rights Supervisor

Transfer No. 82435

WATER RIGHT NO. 45-7207

As Modified by Transfer No. 82435

In accordance with the approval of Transfer No. 82435, Water Right No. 45-7207 is now described as follows:

Right Holder: CASSIA JOINT SCHOOL DISTRICT #151
3650 OVERLAND AVE
BURLEY, ID 83318-3242

Priority Date: 3/22/1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/15	0.310 cfs	62.8 af
			0.310 cfs	62.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESWSW Sec 20 Twp 10S Rge 23E CASSIA County

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	
10S	23E	20											15.7						15.7

POU Total Acres: 15.7

CONDITIONS OF APPROVAL

1. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/13/2005.
2. Pursuant to Section 42-1412(6), Idaho Code, 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. 45-14509

As Modified by Transfer No. 82435

In accordance with the approval of Transfer No. 82435, Water Right No. 45-14509 is now described as follows:

Right Holder: CASSIA JOINT SCHOOL DISTRICT #151
3650 OVERLAND AVE
BURLEY, ID 83318-3242

Priority Date: 3/22/1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/15	0.050 cfs	9.2 af
			0.050 cfs	9.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENE Sec 31 Twp 10S Rge 23E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	23E	31				7.6													7.6

Right Acre Limit: 2.3

POU Total Acres: 7.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2.3 acres within the authorized place of use in a single irrigation season.
2. 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.
3. 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. 140.
4. Prior to the diversion and use of water under Transfer approval 82435, 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.

Transfer No. 82435

WATER RIGHT NO. 45-14509
As Modified by Transfer No. 82435

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/13/2005.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. Place of use is John V. Evans Elementary School.
8. The right holder shall accomplish the change authorized by this transfer within one year 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 Section 42-1412(6), Idaho Code, 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. 45-7208

As Modified by Transfer No. 82435

In accordance with the approval of Transfer No. 82435, Water Right No. 45-7208 is now described as follows:

Right Holder: CASSIA JOINT SCHOOL DISTRICT #151
3650 OVERLAND AVE
BURLEY, ID 83318-3242

Priority Date: 12/19/1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/15	0.170 cfs	33.7 af
			0.170 cfs	33.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW Sec 35 Twp 10S Rge 24E CASSIA County

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	
10S	24E	35						8.4											8.4

POU Total Acres: 8.4

CONDITIONS OF APPROVAL

- Pursuant to Section 42-1412(6), Idaho Code, 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.
- The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/13/2005.

WATER RIGHT NO. 45-14510
As Modified by Transfer No. 82435

In accordance with the approval of Transfer No. 82435, Water Right No. 45-14510 is now described as follows:

Right Holder: CASSIA JOINT SCHOOL DISTRICT #151
 3650 OVERLAND AVE
 BURLEY, ID 83318-3242

Priority Date: 12/19/1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/15	0.050 cfs	10.3 af
			0.050 cfs	10.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENE Sec 31 Twp 10S Rge 23E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	23E	31				7.6													7.6

Right Acre Limit: 2.6

POU Total Acres: 7.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2.6 acres within the authorized place of use in a single irrigation season.
2. 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.
3. 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.140.
4. Prior to the diversion and use of water under Transfer approval 82435, 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.

WATER RIGHT NO. 45-14510
As Modified by Transfer No. 82435

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/13/2005.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. Place of use is John V. Evans Elementary School.
8. The right holder shall accomplish the change authorized by this transfer within one year 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 Section 42-1412(6), Idaho Code, 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. 45-7236**As Modified by Transfer No. 82435**

In accordance with the approval of Transfer No. 82435, Water Right No. 45-7236 is now described as follows:

Right Holder: CASSIA JOINT SCHOOL DISTRICT #151
3650 OVERLAND AVE
BURLEY, ID 83318-3242

Priority Date: 4/28/1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/15	0.110 cfs	22.1 af
			0.110 cfs	22.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENW Sec 32 Twp 10S Rge 23E CASSIA County

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	
10S	23E	32					5.5												5.5

POU Total Acres: 5.5

CONDITIONS OF APPROVAL

- Pursuant to Section 42-1412(6), Idaho Code, 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.
- The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/13/2005.

WATER RIGHT NO. 45-14511

As Modified by Transfer No. 82435

In accordance with the approval of Transfer No. 82435, Water Right No. 45-14511 is now described as follows:

Right Holder: CASSIA JOINT SCHOOL DISTRICT #151
3650 OVERLAND AVE
BURLEY, ID 83318-3242

Priority Date: 4/28/1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/15	0.030 cfs	6.5 af
			0.020 cfs	4.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENE Sec 31 Twp 10S Rge 23E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	23E	31				7.6													7.6

Right Acre Limit: 1.1

POU Total Acres: 7.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 1.1 acres within the authorized place of use in a single irrigation season.
2. 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.
3. 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. 140.
4. Prior to the diversion and use of water under Transfer approval 82435, 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.

Transfer No. 82435

WATER RIGHT NO. 45-14511
As Modified by Transfer No. 82435

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/13/2005.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. Place of use is John V. Evans Elementary School.
8. The right holder shall accomplish the change authorized by this transfer within one year 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 Section 42-1412(6), Idaho Code, 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. 45-11900
As Modified by Transfer No. 82435

In accordance with the approval of Transfer No. 82435, Water Right No. 45-11900 is now described as follows:

Right Holder: CASSIA JOINT SCHOOL DISTRICT #151
 3650 OVERLAND AVE
 BURLEY, ID 83318-3242

Priority Date: 3/15/1956

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.230 cfs	45.5 af
			0.230 cfs	45.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENE Sec 30 Twp 10S Rge 23E CASSIA County

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	
10S	23E	30	11.4																11.4

POU Total Acres: 11.4

CONDITIONS OF APPROVAL

- Pursuant to Section 42-1412(6), Idaho Code, 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. 45-14512**As Modified by Transfer No. 82435**

In accordance with the approval of Transfer No. 82435, Water Right No. 45-14512 is now described as follows:

Right Holder: CASSIA JOINT SCHOOL DISTRICT #151
3650 OVERLAND AVE
BURLEY, ID 83318-3242

Priority Date: 3/15/1956

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.030 cfs	6.5 af
			0.030 cfs	6.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENE Sec 31 Twp 10S Rge 23E CASSIA County

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	
10S	23E	31				7.6													7.6

Right Acre Limit: 1.6

POU Total Acres: 7.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 1.6 acres within the authorized place of use in a single irrigation season.
2. 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.
3. 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. 140.
4. Prior to the diversion and use of water under Transfer approval 82435, 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.
5. 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. 82435

WATER RIGHT NO. 45-14512
As Modified by Transfer No. 82435

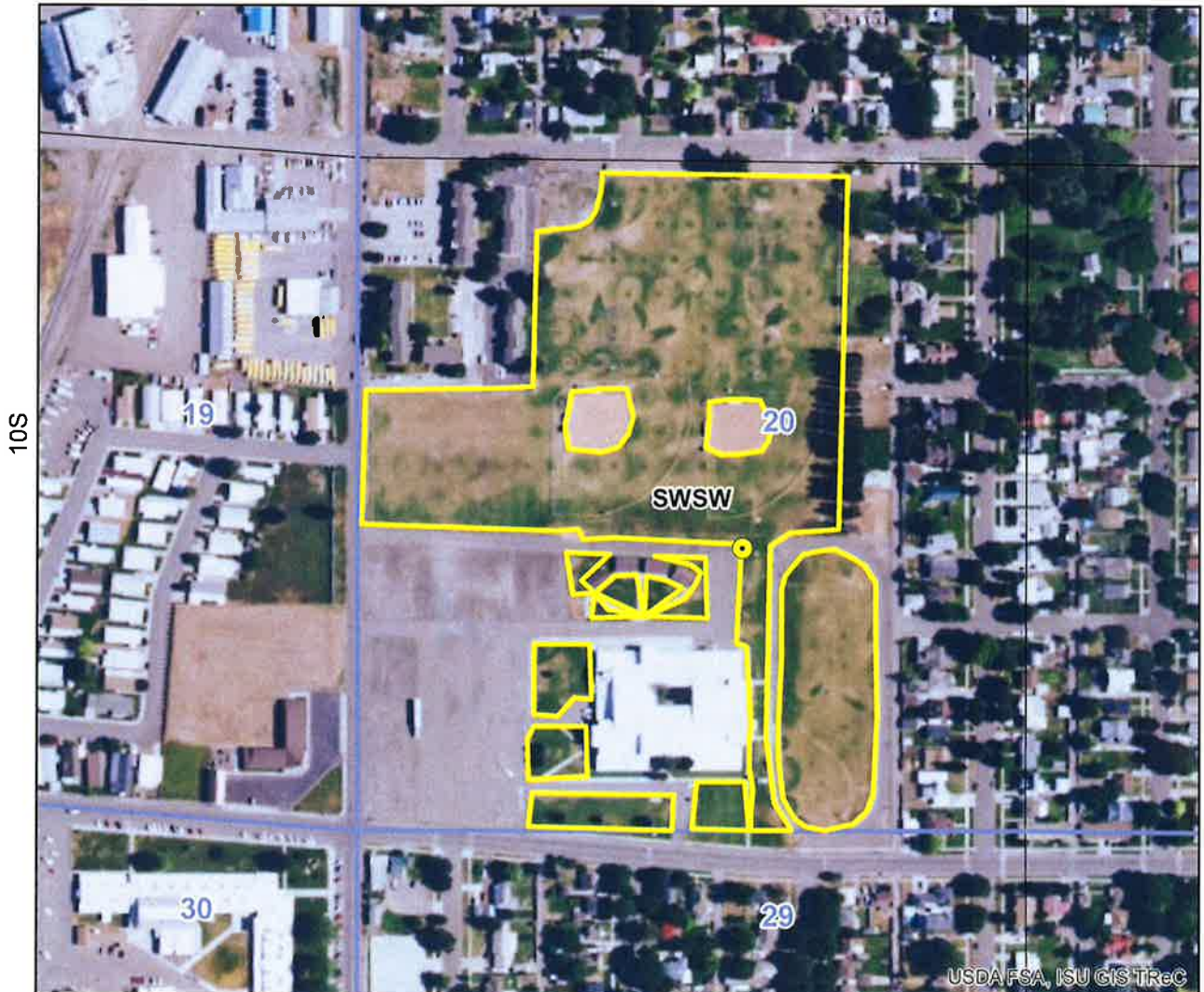
CONDITIONS OF APPROVAL

6. Place of use is John V. Evans Elementary School.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, 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 82435
Right 45-7207

This map depicts the IRRIGATION 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.

23E



0 0.0425 0.085 0.17 Miles

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



State of Idaho
Department of Water Resources
Attachment to Transfer 82435
Right 45-7208

This map depicts the IRRIGATION 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.

24E



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

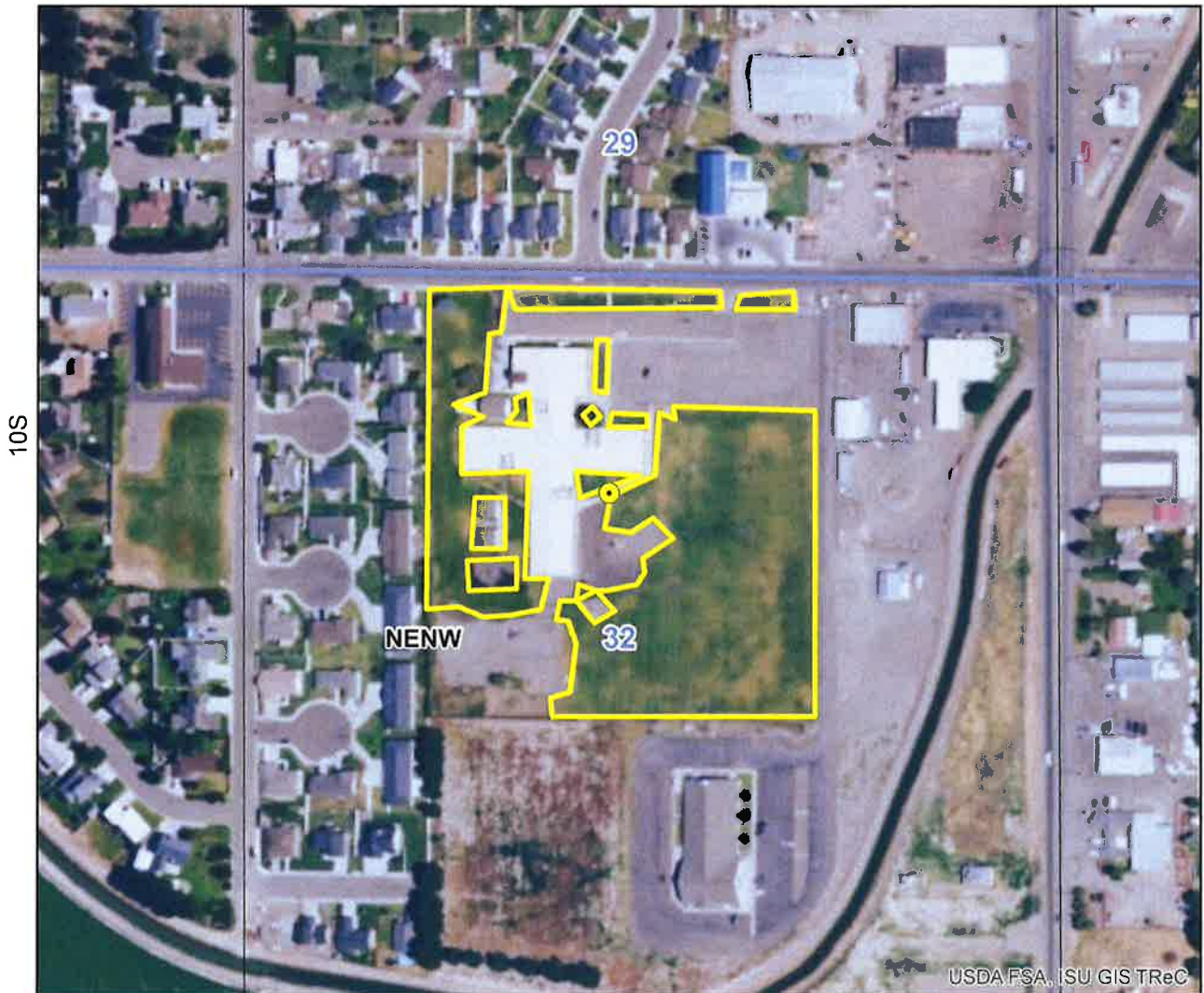
0 0.035 0.07 0.14 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer 82435
Right 45-7236

This map depicts the IRRIGATION 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.

23E



0 0.035 0.07 0.14 Miles

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



State of Idaho
Department of Water Resources
Attachment to Transfer 82435
Right 45-11900

This map depicts the IRRIGATION 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

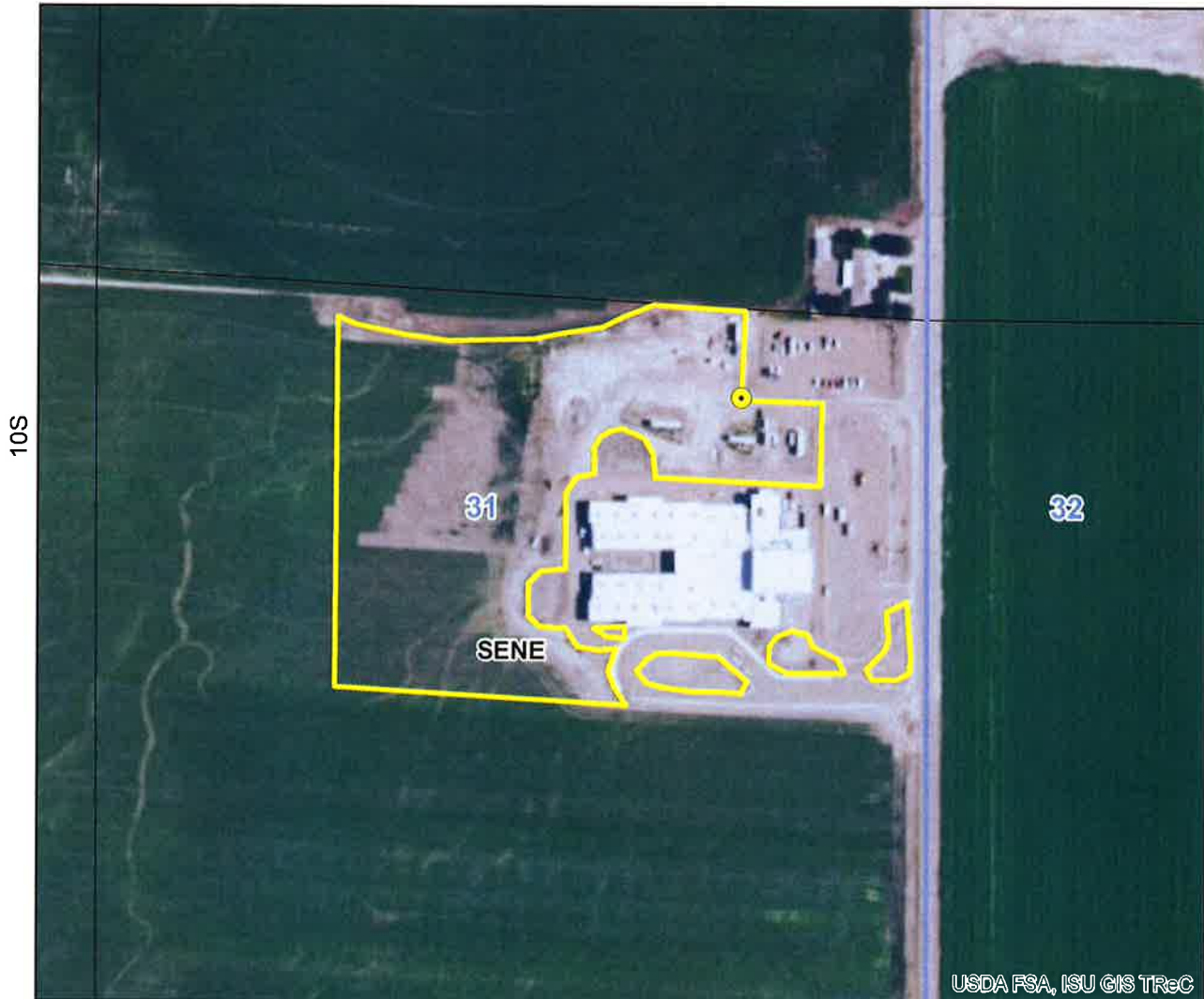
0 0.045 0.09 0.18 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer 82435
Rights 45-14512, 45-14509, 45-14510 and 45-14511

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

23E



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

0 0.035 0.07 0.14 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

August 9, 2018

CASSIA JOINT SCHOOL DISTRICT 151
3650 OVERLAND AVE
BURLEY ID 83318-3242

Re: Transfer No: 82435
Water Right No(s): 45-7207, 45-7208, 45-7236, 45-11900

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.

If you have any questions, please contact me at (208) 287-4800.

Sincerely,



Pamela S. Skaggs

Water Rights Supervisor

Enclosure

C:

LANCE A LOVELAND
PARSONS SMITH STONE LOVELAND & SHIRLEY LLP
PO BOX 910
BURLEY ID 83318

CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2018 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.: 82435

Water Right No(s): 45-7207, 45-7208, 45-7236, 45-11900

**CASSIA JOINT SCHOOL DISTRICT 151
3650 OVERLAND AVE
BURLEY ID 83318-3242**

**LANCE A LOVELAND
PARSONS SMITH STONE LOVELAND & SHIRLEY LLP
PO BOX 910
BURLEY ID 83318**



**Darla Block
Technical Records Specialist**

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.

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

IDAHO DEPT OF WATER RESOURCES UIC

Jean Hersley

PO BOX 83720

BOISE ID 83720

ORDER NUMBER 70639

Ruby Aufderheide

(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF TWIN FALLS)

On this 26 day of July in the year of 2018 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.

Noelle R. Smith

Notary Public FOR Idaho

Residing at: Twin Falls, Idaho

My Commission expires: 6-13-2023

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82435**

CASSIA JOINT SCHOOL DISTRICT #151, 3650 OVERLAND AVE, BURLEY, ID 83318-3242; has filed Application No. 82435 for changes to the following water rights within CASSIA County(s): Right No(s). 45-11900, 45-7207, 45-7208, 45-7236 The purpose of the transfer is to change a portion of the above rights as follows:

drill a new well & move 7.6 acres of irrigation use from 4 existing schools to provide irrigation at the new John V. Evans Elementary School on the south side of Burley located west of Park Ave & south of 100 South Rd in Cassia County.

For additional information concerning the property location, contact IDWR State office at (208) 287-4800; or for a full description of the transfer, please see

<http://www.idwr.idaho.gov/water-rights/transfers/search.html>

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, 322 E Front St, PO Box 83720, Boise ID 83720-0098 together with a protest fee of \$25.00 for each application on or before 8/6/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: July 19 and 26, 2018

Handwritten: 8-6-18

PUBLISHED ON: 07/19/2018, 07/26/2018

TOTAL AD COST: 81.75

FILED ON: 7/26/2018

NOELLE R. SMITH
Notary Public
State of Idaho