

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 37-22825

PRIORITY: April 24, 2013

Maximum Diversion Rate: 0.47 CFS

Maximum Diversion Volume: 21.7 AF

It is hereby certified that:

CITY OF HAILEY 115 S MAIN ST # H HAILEY ID 83333-8408

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 24, 2013, and has submitted Proof of Beneficial Use on June 26, 2018. An examination confirms water is diverted from:

SOURCE:
GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/15 to 10/31	0.47 CFS	21.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE¼SW¼ Sec. 9, Twp 02N, Rge 18E, B.M. BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	9									3.0			3.2					6.2

Total Acres: 6.2

CONDITIONS OF APPROVAL

1. 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. 37.
2. The right holder shall maintain a measuring device with totalizing meter and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion. The measuring device must provide the ability to determine the daily volume of use.

The right holder shall record the daily volume used and provide the records to the watermaster as necessary to regulate the use.

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3. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below.

Use Changed Right No.	Mitigation to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Acres
37-22773	Irrigation	0.042	N/A	6.2
37-22774	Irrigation	0.042	N/A	6.2
37-22775	Irrigation	0.084	N/A	6.2
37-22776	Irrigation	0.051	N/A	6.2

To mitigate for the depletion of water within the Hiawatha Canal system resulting from the non-use of water under rights 37-22773, 37-22774, 37-22775, and 37-22776 for mitigation purposes mentioned above an additional portion of the rights shall be delivered into the Hiawatha Canal to prevent injury to water right holders within the Hiawatha Canal system for the purposes and amounts specified below.

Use Changed Right No.	Mitigation to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)
37-22773	Irrigation	0.011	N/A
37-22774	Irrigation	0.011	N/A
37-22775	Irrigation	0.021	N/A
37-22776	Irrigation	0.013	N/A

Moreover, the official records for rights 37-22773, 37-22774, 37-22775, and 37-22776 have been changed to show that the portions identified above are being dedicated to mitigation purposes.

In summary the total mitigation for this right is split into two components: 80% (0.219 cfs) to be left in the Big Wood River and 20% (0.056 cfs) left in the Hiawatha Canal for conveyance loss associated with the delivery of water by the Hiawatha Canal Water Users Association of Lateral or Laterals through its canal and lateral system.

The land that will no longer be irrigated under these rights is located within the NENW, SENW, NESW and SESW of Section 04, Township 02N, Range 18E.

If the specified mitigation rights, or portions thereof, are sold, transferred, leased, used on any place of use, or are not deliverable due to a shortage of water or a priority call, then the volume of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.

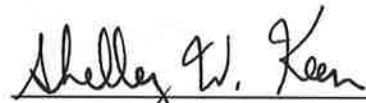
4. This right is limited to 3.5 acre feet/acre/annum equivalent to 21.7 acre feet/annum for 6.2 acres. This right is further limited to the daily volumes corresponding to the deliverable priorities of the mitigation rights:
- If right 37-22773 with priority of 5/1/1888 and other senior mitigation rights are deliverable this right is limited to 0.434 acre feet per day.
 - If right 37-22774 with priority of 9/18/1885 and other senior mitigation rights are deliverable this right is limited to 0.351 acre feet per day.
 - If right 37-22775 with priority of 6/30/1884 and other senior mitigation rights are deliverable this right is limited to 0.268 acre feet per day.
 - If right 37-22776 with priority of 3/24/1883 is the only mitigation right deliverable this right is limited to 0.101 acre feet per day.
 - If none of the mitigation rights are deliverable this right must be curtailed.

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5. Noncompliance with any condition of this right, including the requirement for mitigation and recording of use, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.
6. This right is for the use of trust water, and it is subject to review 20 years after its initial 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.
7. Use of water pursuant to this right is either nonconsumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right. Regulation of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required.
8. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 2nd day of July, 2018.



SHELLEY W. KEEN
Water Rights Section Manager

State of Idaho
Department of Water Resources
Attachment to Water Right License
37-22825

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 0.075 0.15 0.3 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

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

C.L. "Butch" Otter
Governor

Gary Spackman
Director

July 03, 2018

CITY OF HAILEY
115 S MAIN ST # H
HAILEY ID 83333-8408

RE: License No. 37-22825

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, 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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 287-4951.

Sincerely,

Pamela S. Skaggs
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on July 05, 2018, I served a true and correct copy of Water Right License No. 37-22825 by U.S. Mail, postage prepaid, to the following:

CITY OF HAILEY (Current Owner)
115 S MAIN ST # H
HAILEY ID 83333-8408

SPF WATER ENGINEERING LLC (Representative)
C/O ROXANNE BROWN
300 E MALLARD DR STE 350
BOISE ID 83706

WATER DISTRICT #37
KEVIN D LAKEY (Watermaster)
107 W 1ST
SHOSHONE ID 83352



Darla Block
Technical Records Specialist I

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: Water Right File 37-22825

FROM: Daniel Nelson – Analyst 3

DATE: June 29, 2018

SUBJECT: Licensing Review of Water Right 37-22825

This field exams for these rights were performed by Certified Field Examiner Scott King of SPF Water Engineering. Mr. King recommended this permit be licensed for 0.47 cfs and 21.7 af to be diverted to irrigate 6.2 acres. A higher rate of diversion was authorized by the permit, since the place of use is a city park. The diversion rate was reduced from the permit to capacity of the system.

I was not able to replicate the acres recommended by the certified water right examiner. I was only able to find 2.7 acres in the NESW and 3 acres in the SESW of Section 9. The water rights examiner found 3 acres in the NESW and 3.2 acres in the SESW. Due to the trees and the very small place of use, I am going to have to defer to the water right examiner, since he was at the site and should know the area being irrigated.

The mitigation required in the conditions has been completed, and the place of use to be retired for mitigation is now a roadway. A flow meter was also installed on the well and the water right examiner used the flow meter to measure the diversion rate. It appears the system is set up to operate at a higher pressure level, which makes sense due the distance from the well to the two parks.

Conditions:

Most of the conditions will be carried forward to licensing. Condition 5 (170) will be edited to show the changes to the mitigation rights has been made. Condition 2 (046) will be removed at licensing, and condition 8 (051) will be changed to condition 933 as is standard.