

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81843**

This is to certify that: MINDY SUE PRUIT AND
RONNIE JOE PRUIT
10357 CANYON CREEK RD
MOUNTAIN HOME, ID 83647

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>
61-12320	WR/DECREED	4/30/1968	0.020 cfs	10.0 af	N/A	2.5	CANYON CREEK
61-12321	WR/DECREED	7/27/1887	0.030 cfs	10.0 af	N/A	2.5	CANYON CREEK

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>
61-12320	NO	YES	NO	NO	NO	NO
61-12321	NO	YES	NO	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>
61-12320	61-12320	0.020 cfs	10.0 af	N/A	2.5	N/A	N/A	N/A	N/A	N/A
61-12321	61-12321	0.030 cfs	10.0 af	N/A	2.5	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.050 cfs	10.0 af	N/A	2.5		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 2nd day of February, 2018.



Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 61-12320

Transfer No. 81843

WATER RIGHT NO. 61-12320
As Modified by Transfer No. 81843

In accordance with the approval of Transfer No. 81843, Water Right No. 61-12320 is now described as follows:

Right Holder: MINDY SUE PRUIT AND
RONNIE JOE PRUIT
10357 CANYON CREEK RD
MOUNTAIN HOME, ID 83647

Priority Date: 4/30/1968

Source: CANYON CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
0.020 cfs
0.020 cfs

Diversion Volume
10.0 af
10.0 af

LOCATION OF POINT(S) OF DIVERSION

CANYON CREEK NENE Sec 26 Twp 02S Rge 06E ELMORE 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	
02S	06E	26	2.5																2.5

POU Total Acres: 2.5

CONDITIONS OF APPROVAL

1. Rights 61-12320 and 61-12321 when combined shall not exceed a total annual maximum diversion volume of 10.0 af at the field headgate and the irrigation of 2.5 acres.
2. This right when combined with all other rights shall provide no more than 0.03 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. 61A.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 81843

WATER RIGHT NO. 61-12320
As Modified by Transfer No. 81843

CONDITIONS OF APPROVAL

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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. 61-12321
As Modified by Transfer No. 81843

In accordance with the approval of Transfer No. 81843, Water Right No. 61-12321 is now described as follows:

Right Holder: MINDY SUE PRUIT And
RONNIE JOE PRUIT
10357 CANYON CREEK RD
MOUNTAIN HOME, ID 83647

Priority Date: 7/27/1887

Source: CANYON CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
0.030 cfs
0.030 cfs

Diversion Volume
10.0 af
10.0 af

LOCATION OF POINT(S) OF DIVERSION

CANYON CREEK NENE Sec 26 Twp 02S Rge 06E ELMORE 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	
02S	06E	26	2.5																2.5

POU Total Acres: 2.5

CONDITIONS OF APPROVAL

1. Rights 61-12321 and 61-12320 when combined shall not exceed a total annual maximum diversion volume of 10.0 af at the field headgate and the irrigation of 2.5 acres.
2. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. 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. 61A.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 81843

WATER RIGHT NO. 61-12321
As Modified by Transfer No. 81843

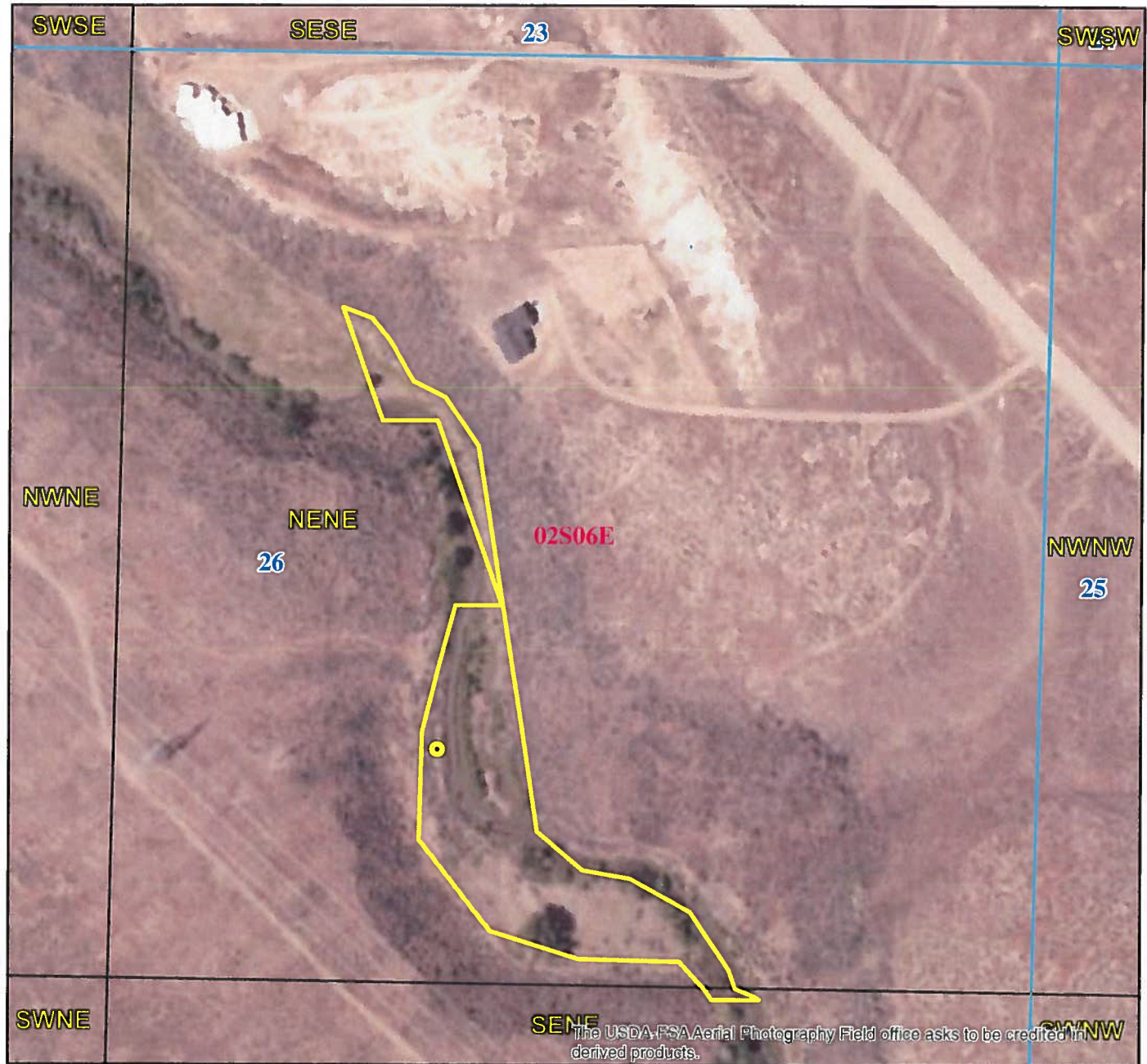
CONDITIONS OF APPROVAL

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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 No. 81843
Water Right(s): 61-12320 & 61-12321

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.



- Point of Diversion
- Place of Use Boundary
- Township/Range
- Sections
- QQ

0 0.05 0.1 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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 2, 2018

RONNIE JOE PRUIT
MINDY SUE PRUIT
10357 CANYON CREEK RD
MOUNTAIN HOME ID 83647

Re: Transfer No: 81843
Water Right No(s): 61-12320, 61-12321

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) 334-2190.

Sincerely,

 Rachel Neely for:

Nick Miller

Regional Manager

Enclosure

CC:

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706

TERRY SEEGRIST
WATERMASTER OF DISTRICT 61A
140 S. 3RD E
MTN HOME ID 83647

CERTIFICATE OF SERVICE

I hereby certify that on February 2, 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.: 81843
Water Right No(s): 61-12320, 61-12321**

**RONNIE JOE PRUIT
MINDY SUE PRUIT
10357 CANYON CREEK RD
MOUNTAIN HOME ID 83647**

**SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706**

**TERRY SEEGRIST
WATERMASTER OF DISTRICT 61A
140 S. 3RD E
MTN HOME ID 83647**



**Rachel Neely
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.

NOTICE

The following application has been filed to appropriate the public waters of the State of Idaho:

2-10535

ELMORE COUNTY BOARD OF COMMISSIONERS
ELMORE COUNTY COURTHOUSE
150 S 4TH E STE 3
MOUNTAIN HOME, ID 83647
Point of Diversion L4(SWSW) S22 T05S
R04E ELMORE County Source SNAKE
RIVER Tributary COLUMBIA RIVER
Use: GROUND WATER RECHARGE 01/01
to 12/31 20 CFS
Use: IRRIGATION 03/15 to 11/15 20 CFS
Use: MUNICIPAL 01/01 to 12/31 20 CFS
Total Diversion: 20 CFS
Date Filed: 3/3/2017

The proposed place of use for municipal purposes is within the City of Mountain Home Municipal Service Area boundary and the proposed boundary for the irrigation place of use is the Mountain Home Irrigation District service area. The proposed groundwater recharge place of use is within Mountain Home Reservoir, Fraser Reservoir, gravel pits located in sections 2, 10 and 11 of township 03S, range 06E and within the creek bed of Canyon Creek starting in the NWNW of section 36, township 02S, range 06E and continuing down until the confluence with Fraser Reservoir.

61-12314

ELMORE COUNTY BOARD OF COMMISSIONERS
ELMORE COUNTY COURTHOUSE
150 S 4TH E STE 3
MOUNTAIN HOME, ID 83647
Point of Diversion SWNE S14 T03S R05E
ELMORE County Source CANYON CREEK
Tributary SNAKE RIVER
Point of Diversion NWNW S29 T03S R05E
ELMORE County Source CANYON CREEK
Tributary SNAKE RIVER
Point of Diversion NESW S7 T03S R06E
ELMORE County Source CANYON CREEK
Tributary SNAKE RIVER
Point of Diversion NENE S9 T03S R06E
ELMORE County Source CANYON CREEK
Tributary SNAKE RIVER
Point of Diversion NENE S10 T03S R06E
ELMORE County Source CANYON CREEK
Tributary SNAKE RIVER
Use: GROUND WATER RECHARGE 01/01
to 12/31 200 CFS
Total Diversion: 200 CFS
Date Filed: 3/3/2017

The proposed place of use is within gravel pits located in sections 2, 10, and 11 of township 03S, and range 06E, seepage from Fraser Reservoir and from 5 diversion points along Canyon Creek as follows: SWNE of section 14 and NWNW of section 29 of township 03S and range 05E, the NESW of section 7, NENE of section 9, and the NENE of section 10 of township 03S and range 06E.

63-34348

ELMORE COUNTY BOARD OF COMMISSIONERS
ELMORE COUNTY COURTHOUSE
150 S 4TH E STE 3
MOUNTAIN HOME, ID 83647
Point of Diversion L1(NWNW) S7 T01S
R09E ELMORE County Source SOUTH
FORK BOISE RIVER Tributary BOISE
RIVER
Use: DIVERSION TO STORAGE 01/01 to
12/31 200 CFS
Use: GROUND WATER RECHARGE 01/01
to 12/31 200 CFS
Use: GROUND WATER RECHARGE FROM
STORAGE 01/01 to 12/31 10000 AF
Use: GROUND WATER RECHARGE

STORAGE 01/01 to 12/31 10000 AF
Use: IRRIGATION 03/15 to 11/15 200 CFS
Use: IRRIGATION FROM STORAGE 03/15
to 11/15 10000 AF
Use: IRRIGATION STORAGE 01/01 to
12/31 10000 AF
Total Diversion: 200 CFS
Date Filed: 3/3/2017

The irrigation storage and groundwater recharge storage place of use proposed is the Little Camas Reservoir. The proposed place of use for irrigation and irrigation from storage uses is the Mountain Home Irrigation District service area. The groundwater recharge from storage and groundwater recharge places of use are to take place in the Mountain Home Reservoir, gravel pits within sections 2, 10, and 11 of township 03S, range 06E, and also within creek beds starting in the East Fork Long Tom Creek within the SWSW of section 22, township 01S, range 08E and continuing down through Canyon Creek until the confluence with the Snake River.

AFFIDAVIT OF PUBLICATION

County of Elmore } ss.
State of Idaho

I, **Joy Martinez**, do solemnly swear that I am the Legal Clerk of the:

Mountain Home News

A weekly newspaper of general circulation, published once a week, in Mountain Home, Idaho, that the notice attached hereto which is a part of publication thereof; was published in said newspaper for 2 consecutive weeks, the first publication having been made on the 18 day of Oct, 2017, and the last publication having been made on the 25 day of Oct, 2017; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the paper proper and not in a supplement thereof.

And I further swear that the said Mountain Home News has been continuously and uninterruptedly published in said Elmore County during the period of 78 consecutive weeks prior to the first publication of the attached notice.

Joy Martinez
Legal Clerk

Subscribed and sworn to me this 26th day of Oct, 2017.

Brenda M Fincher
Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires **11-17-2022**.

RECEIVED

OCT 27 2017

WATER RESOURCES
WESTERN REGION



Joy Martinez

**NOTICE OF PROPOSED CHANGE OF
WATER RIGHT
TRANSFER NO. 81843**

RONNIE JOE PRUITT and MINDY SUE PRUITT, 10357 CANYON CREEK RD, MOUNTAIN HOME, ID 83647; has filed Application No. 81843 for changes to the following water rights within ELMORE County(s): Right No(s). 61-12320, 61-12321. The purpose of this transfer is to change the point of diversion for rights 61-12320 and 61-12321 to a location on the applicants' property approximately 0.7 miles southeast of the original location. Water will be used at the current place of use approximately 6.7 miles north of Mountain Home, Idaho.

Permits will be subject to all prior water rights. 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 §§ 42-203A and 42-222. Any protest against the approval of the application(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 11/6/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

First Publication: October 18, 2017

Last Publication: October 25, 2017

VOK RW
11/7/17