

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81745**

This is to certify that: **ROYAL FORK RESTAURANT CORP**
911 E WINDING CREEK DR STE 150
EAGLE, ID 83616

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>
37-13215	WR/DECREED	6/30/1883	1.600 cfs	N/A	N/A	80.0	SOLDIER CREEK
37-21488	WR/DECREED	5/14/1883	3.100 cfs	N/A	N/A	320.0	SOLDIER CREEK
37-257	WR/DECREED	6/30/1884	0.500 cfs	N/A	108.0	445.0	SOLDIER CREEK
37-258	WR/DECREED	6/6/1901	1.500 cfs	N/A	108.0	445.0	SOLDIER CREEK
37-309	WR/DECREED	6/2/1883	3.200 cfs	N/A	N/A	152.0	SOLDIER CREEK
37-487	WR/DECREED	9/1/1883	1.000 cfs	N/A	N/A	203.0	SOLDIER CREEK
37-488	WR/DECREED	5/15/1884	0.800 cfs	N/A	N/A	203.0	SOLDIER CREEK
37-489	WR/DECREED	6/1/1898	1.200 cfs	N/A	N/A	203.0	SOLDIER CREEK
37-490	WR/DECREED	5/14/1883	3.200 cfs	N/A	N/A	160.0	SOLDIER CREEK
37-492	WR/DECREED	6/30/1883	3.200 cfs	N/A	266.0	445.0	SOLDIER CREEK
37-55	WR/DECREED	6/1/1886	0.200 cfs	N/A	175.0	445.0	SOLDIER CREEK
37-56	WR/DECREED	6/1/1888	1.800 cfs	N/A	175.0	445.0	SOLDIER 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>
37-13215	NO	NO	NO	YES	NO	NO
37-21488	NO	YES	NO	NO	NO	NO
37-257	NO	YES	NO	YES	NO	NO
37-258	NO	YES	NO	YES	NO	NO
37-309	NO	NO	NO	YES	NO	NO
37-487	NO	NO	NO	YES	NO	NO
37-488	NO	NO	NO	YES	NO	NO
37-489	NO	NO	NO	YES	NO	NO
37-490	NO	YES	NO	NO	NO	NO
37-492	NO	YES	NO	YES	NO	NO
37-55	NO	YES	NO	YES	NO	NO
37-56	NO	YES	NO	YES	NO	NO

SUPPORT DATA

IN FILE # 37-55

Transfer No. 81745

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81745

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-13215	37-13215	1.600 cfs	N/A	N/A	80.0	N/A	N/A	N/A	N/A	N/A
37-21488	37-21488	3.100 cfs	N/A	N/A	320.0	N/A	N/A	N/A	N/A	N/A
37-257	37-257	0.500 cfs	N/A	108.0	445.0	N/A	N/A	N/A	N/A	N/A
37-258	37-258	1.500 cfs	N/A	108.0	445.0	N/A	N/A	N/A	N/A	N/A
37-309	37-309	3.200 cfs	N/A	N/A	152.0	N/A	N/A	N/A	N/A	N/A
37-487	37-487	1.000 cfs	N/A	N/A	203.0	N/A	N/A	N/A	N/A	N/A
37-488	37-488	0.800 cfs	N/A	N/A	203.0	N/A	N/A	N/A	N/A	N/A
37-489	37-489	1.200 cfs	N/A	N/A	203.0	N/A	N/A	N/A	N/A	N/A
37-490	37-490	3.200 cfs	N/A	N/A	160.0	N/A	N/A	N/A	N/A	N/A
37-492	37-492	3.200 cfs	N/A	266.0	445.0	N/A	N/A	N/A	N/A	N/A
37-55	37-55	0.200 cfs	N/A	175.0	445.0	N/A	N/A	N/A	N/A	N/A
37-56	37-56	1.800 cfs	N/A	175.0	445.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		21.300 cfs	N/A	N/A	1309.0		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 30th day of November, 2017.



Southern Region Manager

Transfer No. 81745

WATER RIGHT NO. 37-309**As Modified by Transfer No. 81745**

In accordance with the approval of Transfer No. 81745, Water Right No. 37-309 is now described as follows:

Right Holder: ROYAL FORK RESTAURANT CORP
911 E WINDING CREEK DR STE 150
EAGLE, ID 83616

Priority Date: 6/2/1883

Source: SOLDIER CREEK

Tributary: CAMAS CREEK

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

3.200 cfs

3.200 cfs

LOCATION OF POINT(S) OF DIVERSION

SOLDIER CREEK	SWSWSE	Sec 16 Twp 01N Rge 14E	CAMAS County
SOLDIER CREEK	SWSWNE	Sec 21 Twp 01N Rge 14E	CAMAS County
SOLDIER CREEK	SWSWNE	Sec 21 Twp 01N Rge 14E	CAMAS 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	
01N	14E	28	36.0	38.0	38.0	40.0													152.0

POU Total Acres: 152.0

CONDITIONS OF APPROVAL

1. 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. 37B.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
4. This right does not grant any right-of-way or easement across the land of another.
5. This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1.A or 1.B. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

Transfer No. 81745

WATER RIGHT NO. 37-309
As Modified by Transfer No. 81745

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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. 37-257**As Modified by Transfer No. 81745**

In accordance with the approval of Transfer No. 81745, Water Right No. 37-257 is now described as follows:

Right Holder: ROYAL FORK RESTAURANT CORP
911 E WINDING CREEK DR STE 150
EAGLE, ID 83616

Priority Date: 6/30/1884

Source: SOLDIER CREEK

Tributary: CAMAS CREEK

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

0.500 cfs

0.500 cfs

LOCATION OF POINT(S) OF DIVERSION

SOLDIER CREEK	SWSWSE	Sec 16 Twp 01N Rge 14E	CAMAS County
SOLDIER CREEK	SWSWNE	Sec 21 Twp 01N Rge 14E	CAMAS County
SOLDIER CREEK	SWSWNE	Sec 21 Twp 01N Rge 14E	CAMAS 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	
01N	14E	21	4.0	35.0	33.0	35.0									39.0	38.0	38.0	34.0	256.0
01N	14E	22							17.0	14.0	40.0	40.0	39.0	39.0					189.0

Right Acre Limit: 108.0

POU Total Acres: 445.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 108 acres within the authorized place of use in a single irrigation season.
2. Rights 37-55, 37-56, 37-257, 37-258 and 37-492 when combined shall not exceed the irrigation of 445 acres.
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. 37B.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 81745

WATER RIGHT NO. 37-257
As Modified by Transfer No. 81745

CONDITIONS OF APPROVAL

6. This right does not grant any right-of-way or easement across the land of another.
7. This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1.A or 1.B. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
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. 37-258

As Modified by Transfer No. 81745

In accordance with the approval of Transfer No. 81745, Water Right No. 37-258 is now described as follows:

Right Holder: ROYAL FORK RESTAURANT CORP
911 E WINDING CREEK DR STE 150
EAGLE, ID 83616

Priority Date: 6/6/1901

Source: SOLDIER CREEK

Tributary: CAMAS CREEK

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

1.500 cfs

1.500 cfs

LOCATION OF POINT(S) OF DIVERSION

SOLDIER CREEK	SWSWSE	Sec 16 Twp 01N Rge 14E	CAMAS County
SOLDIER CREEK	SWSWNE	Sec 21 Twp 01N Rge 14E	CAMAS County
SOLDIER CREEK	SWSWNE	Sec 21 Twp 01N Rge 14E	CAMAS 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	
01N	14E	21	4.0	35.0	33.0	35.0									39.0	38.0	38.0	34.0	256.0
01N	14E	22							17.0	14.0	40.0	40.0	39.0	39.0					189.0

Right Acre Limit: 108.0

POU Total Acres: 445.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 108 acres within the authorized place of use in a single irrigation season.
2. Rights 37-55, 37-56, 37-257, 37-258 and 37-492 when combined shall not exceed the irrigation of 445 acres.
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. 37B.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 81745

WATER RIGHT NO. 37-258
As Modified by Transfer No. 81745

CONDITIONS OF APPROVAL

6. This right does not grant any right-of-way or easement across the land of another.
7. This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1.A or 1.B. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
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. 37-492**As Modified by Transfer No. 81745**

In accordance with the approval of Transfer No. 81745, Water Right No. 37-492 is now described as follows:

Right Holder: ROYAL FORK RESTAURANT CORP
911 E WINDING CREEK DR STE 150
EAGLE, ID 83616

Priority Date: 6/30/1883

Source: SOLDIER CREEK

Tributary: CAMAS CREEK

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

3.200 cfs

3.200 cfs

LOCATION OF POINT(S) OF DIVERSION

SOLDIER CREEK	SWSWSE	Sec 16 Twp 01N Rge 14E	CAMAS County
SOLDIER CREEK	SWSWNE	Sec 21 Twp 01N Rge 14E	CAMAS County
SOLDIER CREEK	SWSWNE	Sec 21 Twp 01N Rge 14E	CAMAS 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	
01N	14E	21	4.0	35.0	33.0	35.0									39.0	38.0	38.0	34.0	256.0
01N	14E	22							17.0	14.0	40.0	40.0	39.0	39.0					189.0

Right Acre Limit: 266.0

POU Total Acres: 445.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 266 acres within the authorized place of use in a single irrigation season.
2. Rights 37-55, 37-56, 37-257, 37-258 and 37-492 when combined shall not exceed the irrigation of 445 acres.
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. 37B.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 81745

WATER RIGHT NO. 37-492
As Modified by Transfer No. 81745

CONDITIONS OF APPROVAL

6. This right does not grant any right-of-way or easement across the land of another.
7. This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1.A or 1.B. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
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. 37-487

As Modified by Transfer No. 81745

In accordance with the approval of Transfer No. 81745, Water Right No. 37-487 is now described as follows:

Right Holder: ROYAL FORK RESTAURANT CORP
911 E WINDING CREEK DR STE 150
EAGLE, ID 83616

Priority Date: 9/1/1883

Source: SOLDIER CREEK

Tributary: CAMAS CREEK

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

1.000 cfs

1.000 cfs

LOCATION OF POINT(S) OF DIVERSION

SOLDIER CREEK	SWSWSE	Sec 16 Twp 01N Rge 14E	CAMAS County
SOLDIER CREEK	SWSWNE	Sec 21 Twp 01N Rge 14E	CAMAS County
SOLDIER CREEK	SWSWNE	Sec 21 Twp 01N Rge 14E	CAMAS 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	
01N	14E	27						1.0	32.0	18.0	38.0	39.0	38.0	37.0					203.0

POU Total Acres: 203.0

CONDITIONS OF APPROVAL

1. Rights 37-487, 37-488 and 37-489 when combined shall not exceed the irrigation of 203 acres.
2. 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. 37B.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. This right does not grant any right-of-way or easement across the land of another.

WATER RIGHT NO. 37-487
As Modified by Transfer No. 81745

CONDITIONS OF APPROVAL

6. This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1.A or 1.B. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
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.

WATER RIGHT NO. 37-488

As Modified by Transfer No. 81745

In accordance with the approval of Transfer No. 81745, Water Right No. 37-488 is now described as follows:

Right Holder: ROYAL FORK RESTAURANT CORP
911 E WINDING CREEK DR STE 150
EAGLE, ID 83616

Priority Date: 5/15/1884

Source: SOLDIER CREEK **Tributary:** CAMAS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	to 10/31	0.800 cfs 0.800 cfs

LOCATION OF POINT(S) OF DIVERSION

SOLDIER CREEK	SWSWSE	Sec 16 Twp 01N Rge 14E	CAMAS County
SOLDIER CREEK	SWSWNE	Sec 21 Twp 01N Rge 14E	CAMAS County
SOLDIER CREEK	SWSWNE	Sec 21 Twp 01N Rge 14E	CAMAS 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	
01N	14E	27						1.0	32.0	18.0	38.0	39.0	38.0	37.0					203.0

POU Total Acres: 203.0

CONDITIONS OF APPROVAL

1. Rights 37-487, 37-488 and 37-489 when combined shall not exceed the irrigation of 203 acres.
2. 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. 37B.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 81745

WATER RIGHT NO. 37-488
As Modified by Transfer No. 81745

CONDITIONS OF APPROVAL

6. This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1.A or 1.B. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
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.

WATER RIGHT NO. 37-489

As Modified by Transfer No. 81745

In accordance with the approval of Transfer No. 81745, Water Right No. 37-489 is now described as follows:

Right Holder: ROYAL FORK RESTAURANT CORP
911 E WINDING CREEK DR STE 150
EAGLE, ID 83616

Priority Date: 6/1/1898

Source: SOLDIER CREEK

Tributary: CAMAS CREEK

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

1.200 cfs

1.200 cfs

LOCATION OF POINT(S) OF DIVERSION

SOLDIER CREEK	SWSWSE	Sec 16 Twp 01N Rge 14E	CAMAS County
SOLDIER CREEK	SWSWNE	Sec 21 Twp 01N Rge 14E	CAMAS County
SOLDIER CREEK	SWSWNE	Sec 21 Twp 01N Rge 14E	CAMAS 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	
01N	14E	27							1.0	32.0	18.0	38.0	39.0	38.0	37.0				203.0

POU Total Acres: 203.0

CONDITIONS OF APPROVAL

1. Rights 37-487, 37-488 and 37-489 when combined shall not exceed the irrigation of 203 acres.
2. 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. 37B.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. This right does not grant any right-of-way or easement across the land of another.

WATER RIGHT NO. 37-489

As Modified by Transfer No. 81745

CONDITIONS OF APPROVAL

6. This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1.A or 1.B. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
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.

WATER RIGHT NO. 37-490

As Modified by Transfer No. 81745

In accordance with the approval of Transfer No. 81745, Water Right No. 37-490 is now described as follows:

Right Holder: ROYAL FORK RESTAURANT CORP
911 E WINDING CREEK DR STE 150
EAGLE, ID 83616

Priority Date: 5/14/1883

Source: SOLDIER CREEK

Tributary: CAMAS CREEK

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

3.200 cfs

3.200 cfs

LOCATION OF POINT(S) OF DIVERSION

SOLDIER CREEK

SWSWSE

Sec 16 Twp 01N Rge 14E CAMAS 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	
01N	14E	26					6.0	39.0	31.0	14.0	15.0	20.0	20.0	15.0					160.0

POU Total Acres: 160.0

CONDITIONS OF APPROVAL

1. Rights 37-490 and 37-21488 when combined shall not exceed the irrigation of 429 acres.
2. 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. 37B.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. This right does not grant any right-of-way or easement across the land of another.
6. This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1.A or 1.B. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

Transfer No. 81745

WATER RIGHT NO. 37-490
As Modified by Transfer No. 81745

CONDITIONS OF APPROVAL

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.

WATER RIGHT NO. 37-21488
As Modified by Transfer No. 81745

In accordance with the approval of Transfer No. 81745, Water Right No. 37-21488 is now described as follows:

Right Holder: ROYAL FORK RESTAURANT CORP
 911 E WINDING CREEK DR STE 150
 EAGLE, ID 83616

Priority Date: 5/14/1883

Source: SOLDIER CREEK

Tributary: CAMAS CREEK

BENEFICIAL USE

IRRIGATION

From

04/15

to 10/31

To

Diversion Rate

3.100 cfs

3.100 cfs

LOCATION OF POINT(S) OF DIVERSION

SOLDIER CREEK

SWSWSE

Sec 16 Twp 01N Rge 14E CAMAS 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	
01N	14E	23											36.0	13.0					49.0
01N	14E	26		21.0	3.0		40.0	40.0	4.9	4.1									113.0
01N	14E	35					39.0			40.0	40.0					39.0			158.0

POU Total Acres: 320.0

CONDITIONS OF APPROVAL

1. Rights 37-490 and 37-21488 when combined shall not exceed the irrigation of 429 acres.
2. 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. 37B.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 81745

WATER RIGHT NO. 37-21488
As Modified by Transfer No. 81745

CONDITIONS OF APPROVAL

6. This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1.A or 1.B. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
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.

WATER RIGHT NO. 37-13215
As Modified by Transfer No. 81745

In accordance with the approval of Transfer No. 81745, Water Right No. 37-13215 is now described as follows:

Right Holder: ROYAL FORK RESTAURANT CORP
 911 E WINDING CREEK DR STE 150
 EAGLE, ID 83616

Priority Date: 6/30/1883

Source: SOLDIER CREEK

Tributary: CAMAS CREEK

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

1.600 cfs

1.600 cfs

LOCATION OF POINT(S) OF DIVERSION

SOLDIER CREEK	SWSWSE	Sec 16 Twp 01N Rge 14E	CAMAS County
SOLDIER CREEK	SWSWNE	Sec 21 Twp 01N Rge 14E	CAMAS County
SOLDIER CREEK	SWSWNE	Sec 21 Twp 01N Rge 14E	CAMAS County

PLACE OF USE: IRRIGATION

			NE			NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	14E	34		6.0		35.0	39.0											80.0

POU Total Acres: 80.0

CONDITIONS OF APPROVAL

1. 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. 37B.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
4. This right does not grant any right-of-way or easement across the land of another.

WATER RIGHT NO. 37-13215
As Modified by Transfer No. 81745

CONDITIONS OF APPROVAL

5. This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1.A or 1.B. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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. 37-55**As Modified by Transfer No. 81745**

In accordance with the approval of Transfer No. 81745, Water Right No. 37-55 is now described as follows:

Right Holder: ROYAL FORK RESTAURANT CORP
911 E WINDING CREEK DR STE 150
EAGLE, ID 83616

Priority Date: 6/1/1886

Source: SOLDIER CREEK

Tributary: CAMAS CREEK

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

0.200 cfs

0.200 cfs

LOCATION OF POINT(S) OF DIVERSION

SOLDIER CREEK	SWSWSE	Sec 16 Twp 01N Rge 14E	CAMAS County
SOLDIER CREEK	SWSWNE	Sec 21 Twp 01N Rge 14E	CAMAS County
SOLDIER CREEK	SWSWNE	Sec 21 Twp 01N Rge 14E	CAMAS 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	
01N	14E	21	4.0	35.0	33.0	35.0									39.0	38.0	38.0	34.0	256.0
01N	14E	22							17.0	14.0	40.0	40.0	39.0	39.0					189.0

Right Acre Limit: 175.0

POU Total Acres: 445.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 175 acres within the authorized place of use in a single irrigation season.
2. Rights 37-55, 37-56, 37-257, 37-258 and 37-492 when combined shall not exceed the irrigation of 445 acres.
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. 37B.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 81745

WATER RIGHT NO. 37-55
As Modified by Transfer No. 81745

CONDITIONS OF APPROVAL

6. This right does not grant any right-of-way or easement across the land of another.
7. This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1.A or 1.B. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
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. 37-56**As Modified by Transfer No. 81745**

In accordance with the approval of Transfer No. 81745, Water Right No. 37-56 is now described as follows:

Right Holder: ROYAL FORK RESTAURANT CORP
911 E WINDING CREEK DR STE 150
EAGLE, ID 83616

Priority Date: 6/1/1888

Source: SOLDIER CREEK

Tributary: CAMAS CREEK

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

1.800 cfs

1.800 cfs

LOCATION OF POINT(S) OF DIVERSION

SOLDIER CREEK	SWSWSE	Sec 16 Twp 01N Rge 14E	CAMAS County
SOLDIER CREEK	SWSWNE	Sec 21 Twp 01N Rge 14E	CAMAS County
SOLDIER CREEK	SWSWNE	Sec 21 Twp 01N Rge 14E	CAMAS 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	
01N	14E	21	4.0	35.0	33.0	35.0									39.0	38.0	38.0	34.0	256.0
01N	14E	22							17.0	14.0	40.0	40.0	39.0	39.0					189.0

Right Acre Limit: 175.0

POU Total Acres: 445.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 175 acres within the authorized place of use in a single irrigation season.
2. Rights 37-55, 37-56, 37-257, 37-258 and 37-492 when combined shall not exceed the irrigation of 445 acres.
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. 37B.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 81745

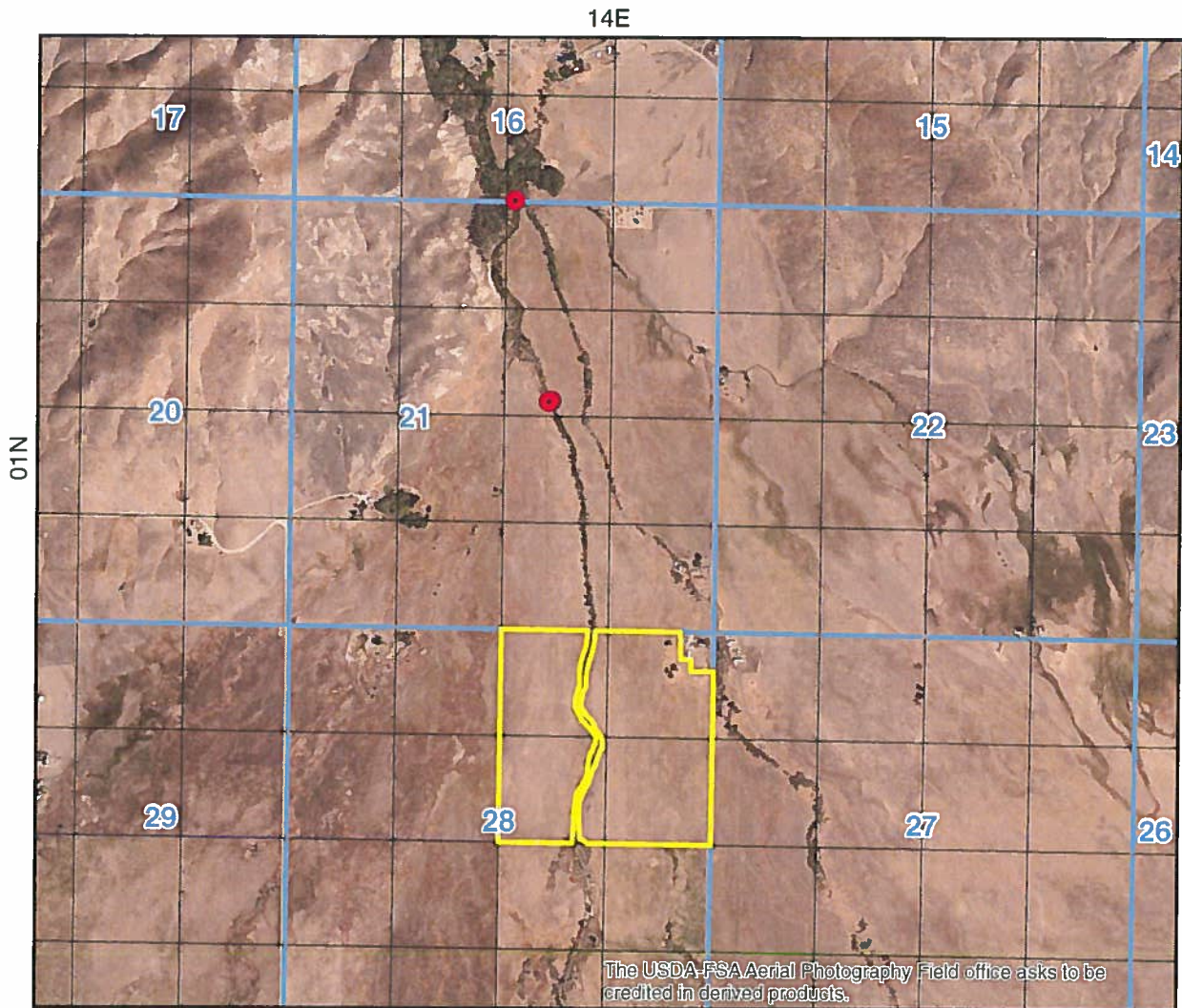
WATER RIGHT NO. 37-56
As Modified by Transfer No. 81745

CONDITIONS OF APPROVAL

6. This right does not grant any right-of-way or easement across the land of another.
7. This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1.A or 1.B. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
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.

State of Idaho
Department of Water Resources
Attachment to Transfer # 81745
37-309

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.



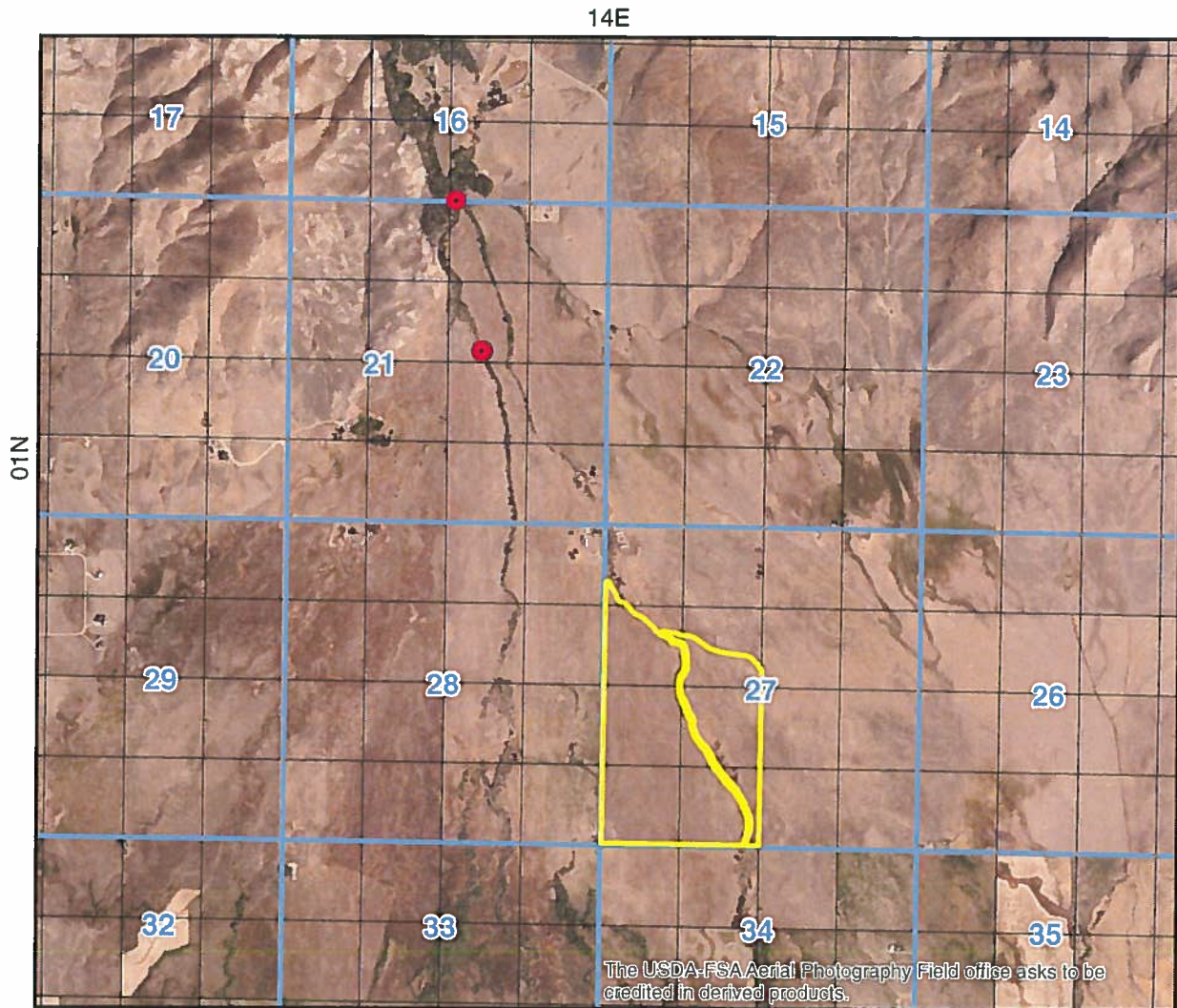
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.275 0.55 1.1 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 81745
37-487, 37-488, and 37-489

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.



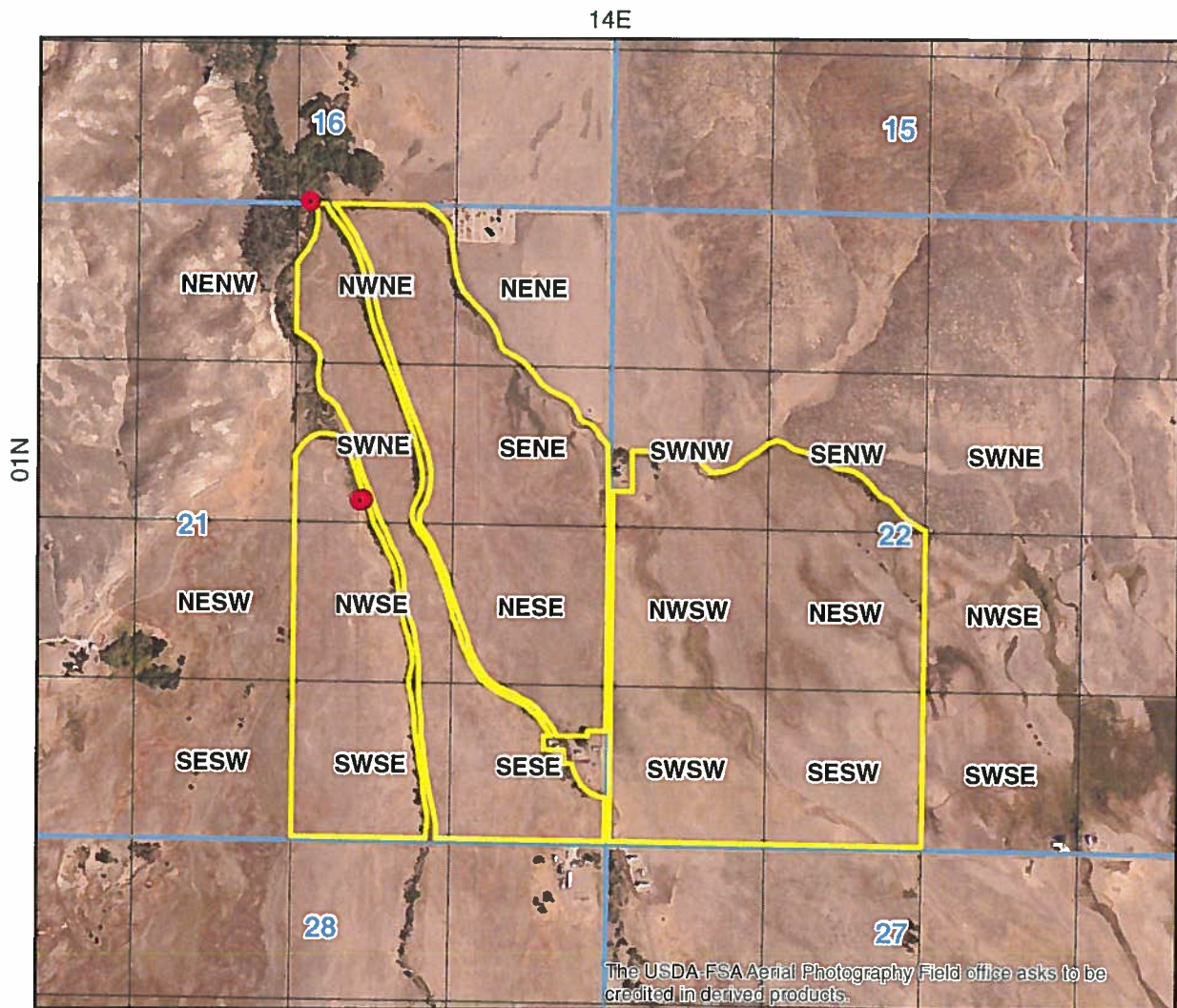
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.375 0.75 1.5 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 81745
37-55, 37-56, 37-257, 37-258, and 37-492

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.



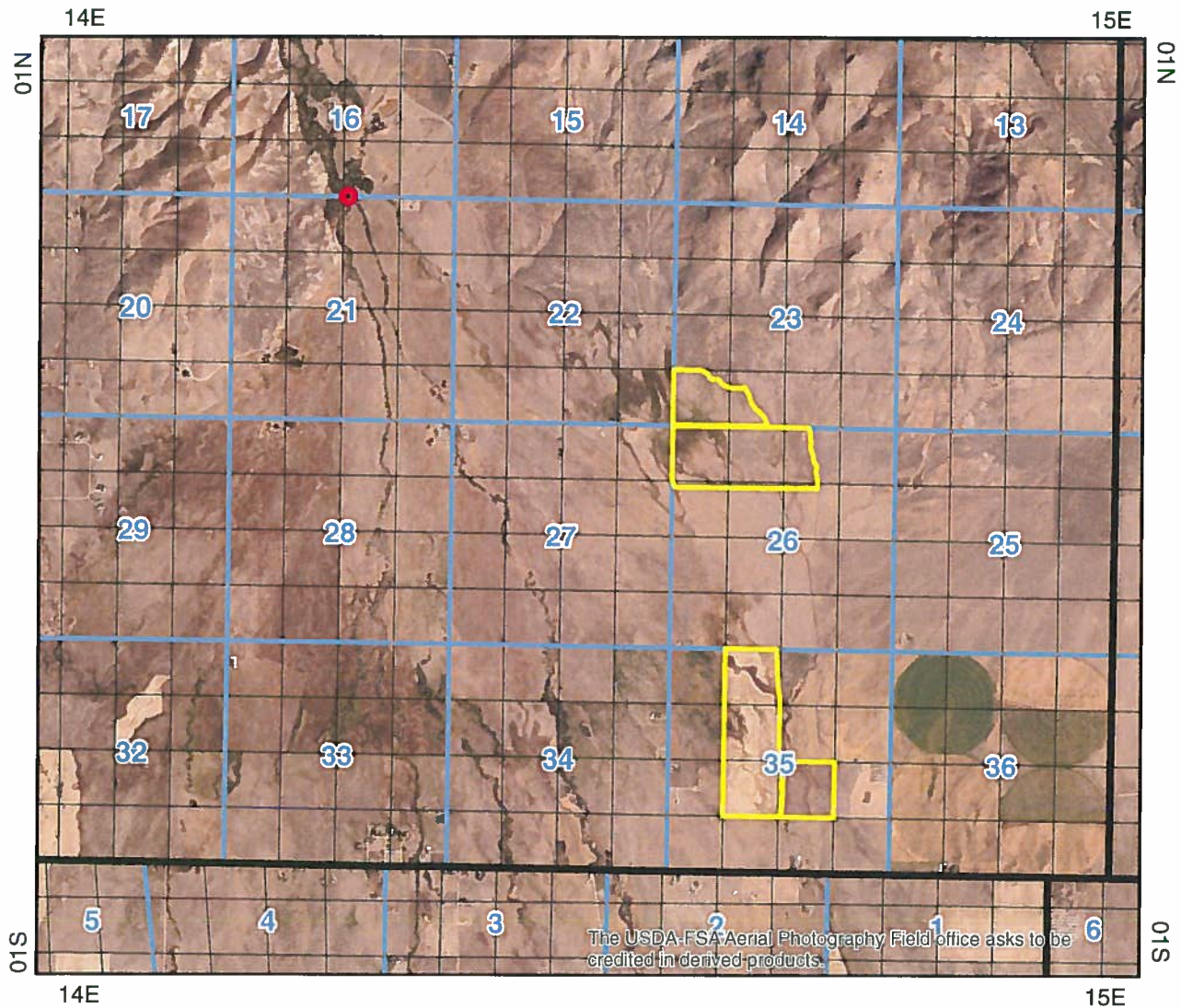
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.175 0.35 0.7 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 81745
37-21488

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.



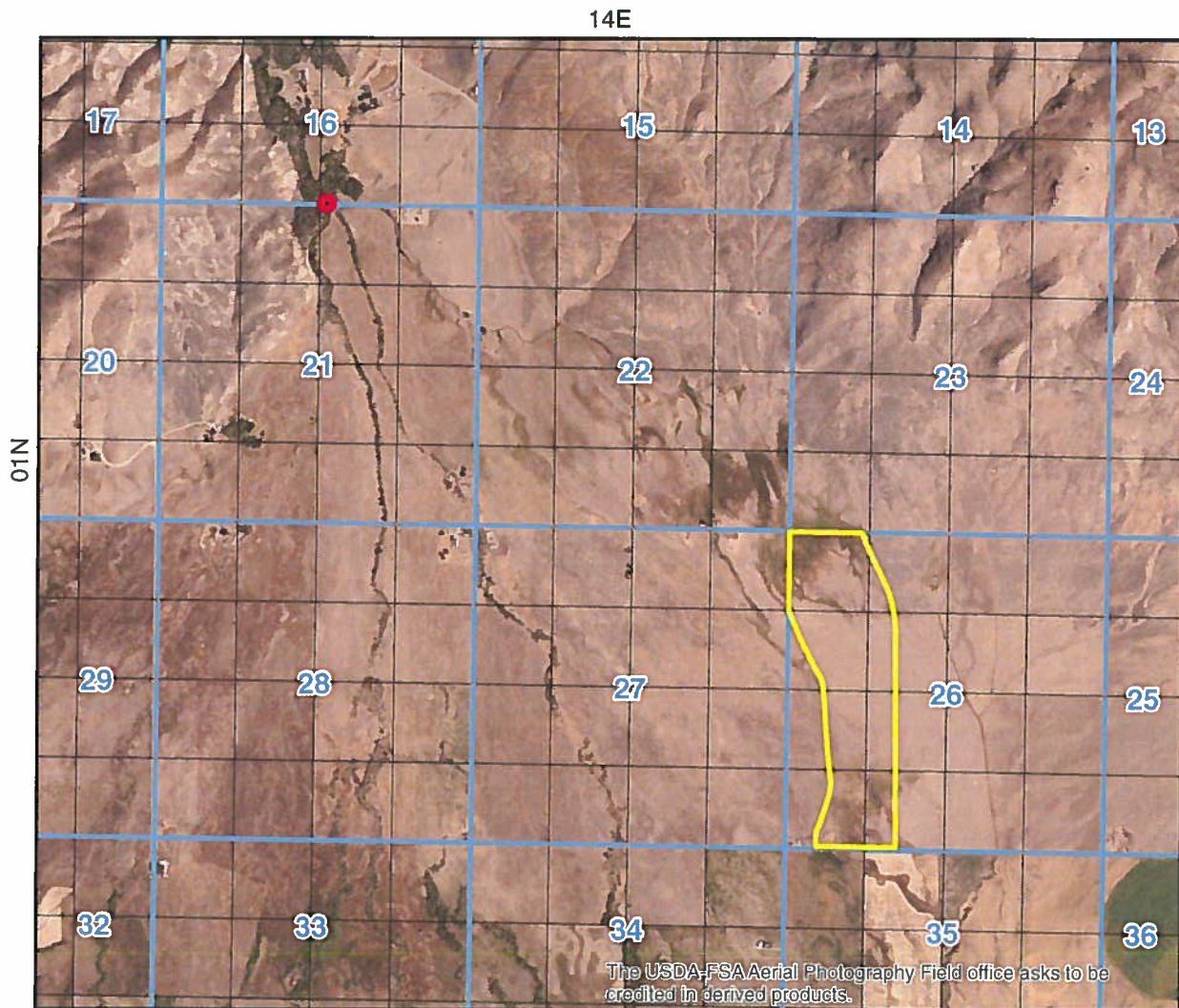
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.5 1 2 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 81745
37-490

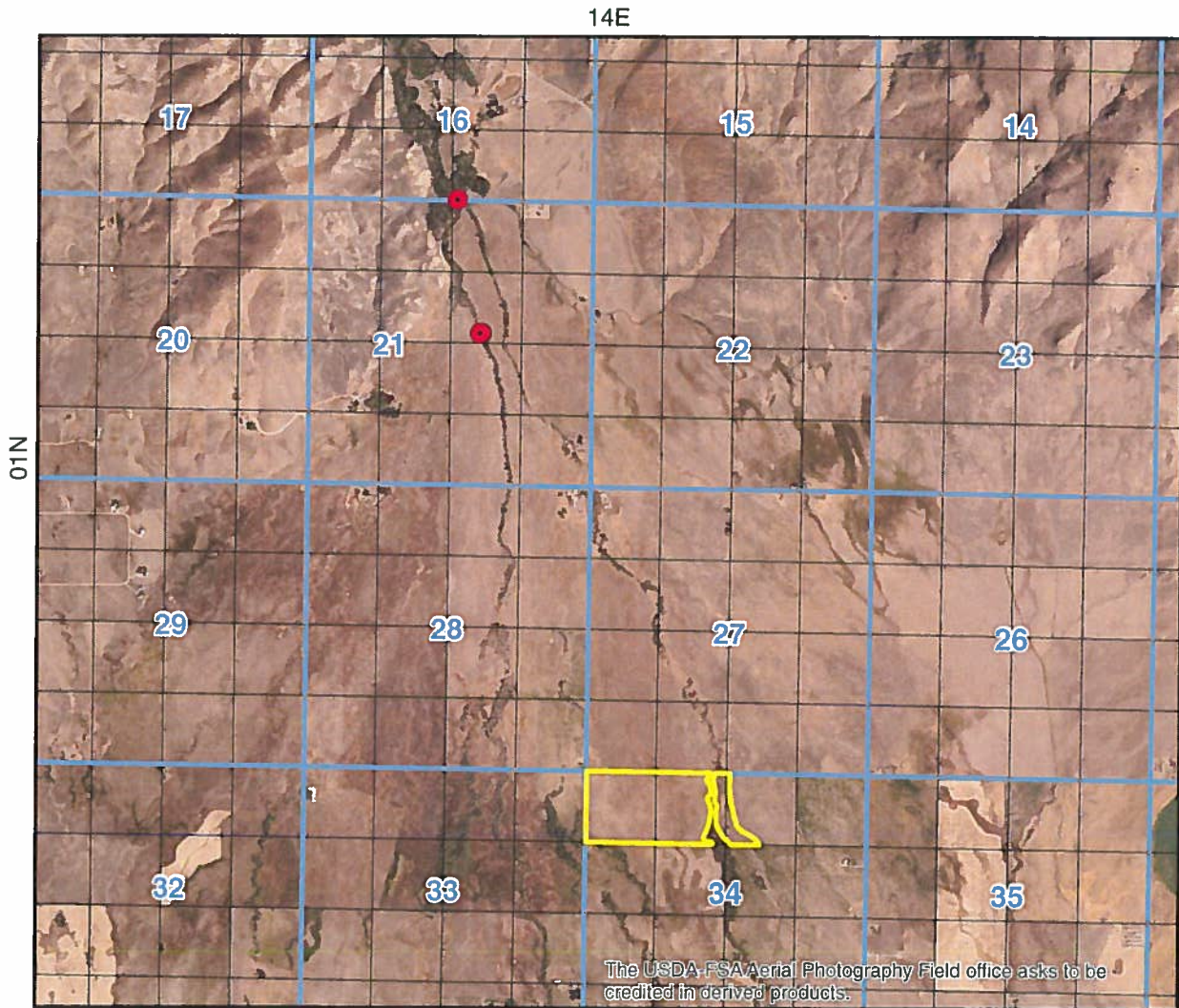
This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

State of Idaho
Department of Water Resources
Attachment to Transfer # 81745
37-13215

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 0.4 0.8 1.6 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 4, 2017

ROYAL FORK RESTAURANT CORP
911 E WINDING CREEK DR STE 150
EAGLE ID 83616

Re: Transfer No: 81745
Water Right No(s): 37-55, 37-56, 37-257, 37-258, 37-309, 37-487, 37-488, 37-489,
37-490, 37-492, 37-13215, 37-21488

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) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" written in a larger, more prominent script than the last name "Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

cc:

D L EVANS BANK
PO BOX 87
TWIN FALLS ID 83303

WATER DISTRICT 37B
RUSTY KRAMER
246B S HWY 46
FAIRFIELD ID 83327

CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2017 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.: 81745

**Water Right No(s): 37-55, 37-56, 37-257, 37-258, 37-309, 37-487, 37-488, 37-489,
37-490, 37-492, 37-13215, 37-21488**

**ROYAL FORK RESTAURANT CORP
911 E WINDING CREEK DR STE 150
EAGLE ID 83616**

**D L EVANS BANK
PO BOX 87
TWIN FALLS ID 83303**

**WATER DISTRICT 37B
RUSTY KRAMER
246B S HWY 46
FAIRFIELD ID 83327**



**Denise Maline
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

Date: November 29, 2017
To: Transfer 81745 File
From: William Mills
Re: Transfer Review & Recommendation

During review of this transfer for potential approval, the ability to deliver water from the updated PODs to the POU's under each individual water right was examined and it appeared that water could only be delivered to the POU's for water rights 37-490 and 37-12488 from the northernmost diversion (SWSWSE Sec. 16, Twp 01N, Rge 14E). Since I was meeting with the Watermaster for Water District 37B, Rusty Kramer on 11/28/2017 concerning another matter, it was decided that I should also discuss this issue with him.

We visited both diversions and the Watermaster showed me where the ditches carry and deliver the water to the POU's. After viewing the upper diversion and looking at a map of the diversions with the Watermaster we both agreed that rights 37-490 and 37-21488 could only be delivered to their POU from the upper diversion and so, the second diversion should be dropped from those rights prior to potential approval of the transfer.

At the second lower diversion (SWSWNE of Sec. 21, Twp 01N, Rge 14E), Mr. Kramer pointed to a head gate and weir on a ditch on the west side of Soldier Creek and a submerged orifice on a ditch on the east side of the creek. Both of these diversions divert water just behind a check dam that crosses the creek. Mr. Kramer indicated that both ditches have been used historically to divert water for the same water rights in a POU that straddles both sides of the creek. This diversion had been decreed in the Snake River Basin Adjudication as one POD for the water rights diverted there and has been historically described that way although in reality they are two separate diversions with the one legal description. The situation was discussed with staff from the state office and it was pointed out that it was advertised correctly as one pod, but since there is a transfer before us, we have an opportunity to refine the description to indicate there are actually two diversions on either side of the creek.

Recommend dropping the lower diversion (SWSWNE of Sec. 21, Twp 01N, Rge 14E) from water rights 37-490 and 37-21488 and adding a second POD at that same location to the other 10 water rights in the transfer.

MEMORANDUM

Date: August 17, 2017
To: Transfer 81745 File
From: William Mills
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes changing the recorded point of diversion (POD) and/or adding a POD to twelve Soldier Creek water rights (21.3 cfs total) to authorize the same two existing points of diversion on all twelve water rights. POU's and PODs are located approximately 4.4 to 4.9 miles north and 0.2 to 0.4 miles west of the intersection of Soldier Rd and Hwy 20 in Fairfield.

Overlap analysis finds no other water rights are diverted from recorded and proposed PODs. Point of diversion and place of use are located in Water District 37. Watermaster comments were solicited and the Watermaster does not oppose approval of this application.

- **Authority to File:**
IDWR records indicate the applicants currently owns all water rights in this transfer.
- **Water Right Validity:**
All twelve water rights were decreed in the SRBA on 9/24/2010. Places of use for the water rights appear to be irrigated in current GIS imagery.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated. No change to place of use.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses of water.
- **Effect on the Economy of the Local Area:**
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**
None Anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

✓ OK DM 8/14/2017

~ LEGAL NOTICES ~ LEGAL NOTICES ~ LEGAL NOTICES ~ LEGAL NOTICES ~ LEGAL NOTICES ~ LEGAL NOTICES ~ LEGAL NOTICES ~

**Notice of Public Hearing
City of Fairfield - Proposed Fee Increase**

A public hearing will be held before the Mayor and City Council of the City of Fairfield to hear public comment on increases in the following fee and charges, which are proposed to increase by 5 percent or more:

Utility Fee increases for sewer: **\$3.00**
RESIDENTIAL SEWER USE 31.00
COMMERCIAL SEWER USE 34.00

HEARING DATE AND TIME: AUGUST 10, 2017@7:00p.m.
HEARING LOCATION: 407 SOLDIER ROAD

City Hall is accessible to persons with disabilities. Anyone desiring accommodations for disabilities please call the City Clerk's Office 208 764-2333 at least 48 hours prior to the public hearing.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81745**

ROYAL FORK RESTAURANT CORP, 911 E WINDING CREEK DR, STE 150, EAGLE, ID 83616; has filed Application No. 81745 for changes to the following water rights within CAMAS County(s): Right No(s). 37-13215, 37-21488, 37-257, 37-258, 37-309, 37-487, 37-488, 37-489, 37-490, 37-492, 37-55, 37-56; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/Query/NewTransfers/Query/NewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes changing the recorded point of diversion (POD) and/or adding a POD to twelve Soldier Creek water rights (21.3 cfs total) to authorize the same two existing points of diversion on all twelve water rights. All PODs are located approximately 4.4 to 4.9 miles north and 0.2 to 0.4 miles west of the intersection of Soldier Rd and Hwy 20 in Fairfield.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. 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, Southern Region, 650 Addison Ave W Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before August 7, 2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

published on July 19th & 26th, 2017

This Week's Sudoku Puzzle Answers

Puzzle #1 - Easy

7	4	2	8	1	9	3	6	5
6	8	3	2	5	7	1	9	4
5	9	1	6	4	3	7	2	8
4	1	5	9	3	2	8	7	6
9	3	8	5	7	6	4	1	2
2	7	6	1	8	4	9	5	3
3	6	4	7	9	5	2	8	1
1	5	7	4	2	8	6	3	9
8	2	9	3	6	1	5	4	7

Puzzle #2 - Hard

1	6	3	2	7	8	5	9	4
4	5	9	1	6	3	8	7	2
8	2	7	5	4	9	1	6	3
6	7	4	3	1	5	2	8	9
9	8	5	7	2	6	4	3	1
3	1	2	8	9	4	7	5	6
5	3	1	9	8	2	6	4	7
7	4	8	6	3	1	9	2	5
2	9	6	4	5	7	3	1	8

NOTICE OF PUBLIC HEARING FOR CAMAS COUNTY ZONING ORDINANCE

NOTICE IS HEREBY GIVEN: on Monday, the 31th day of July, 2017 at 2:00PM or as soon thereafter as the matter may be heard, the Board of Commissioners of Camas County will hold a public hearing at the Camas County Senior Center, 125 Willow Ave West, Fairfield, Idaho, to receive a recommendation from the Planning and Zoning Commission in accordance with Section 67-6509 and 67-6511, Idaho Code. The purpose of this hearing is for the public as well as the Board of Commissioners to hear the recommendation to adopt and move private aircraft landing field or airports from 2-4A-3, Conditional Uses to 2-4A-4 Principal Designated Uses and add "and registered with the FAA". A copy of the draft document is available at the Camas County Planning and Zoning Office.

A general summary of this provision of the Zoning Ordinance, Title 2, is as follows:

The commission recommends the Board of Commissioners adopt and move private aircraft landing field or airports from 2-4A-4, Conditional Uses to 2-4A-3 Principal Designated Uses and add "and registered with the FAA". This would allow private airports to be built in the Ag-80 zone. This allows the existing airports and landing fields to be in compliance with the zoning ordinance and no longer makes them non-conforming uses.

Therefore under section 2-4A-3, Principal Designated Uses shall read "Airports, private, and registered with the FAA".

Written comments will be received by the Planning & Zoning Administrator until 5:00 p.m. on July 25, 2016. Testimony at the hearing may be limited to five (5) minutes. Services for persons with disabilities may be made available by calling the Planning & Zoning Administrator at 764-2046 three days in advance of the hearing.

Dwight H. Butlin

Camas County Planning & Zoning Administrator

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www.desanoplace.com for information.

✓ OK DM 8/14/2017

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

RECEIVED
JUL 19 2017
DEPT OF WATER RESOURCES
SOUTHERN REGION

Transfer Application No.: 81745

Water Right No(s): 37-55, etc.

Transfer Applicant's Name: ROYAL FORK RESTAURANT CORP
911 E WINDING CREEK DR STE 150
EAGLE ID 83616

Water master's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional comments:

Dated this 7th day of July, 2017

Water District No. 37B

Rusty Kramer
Water master's Signature

Rusty Kramer
Printed Name