

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80655**

This is to certify that: CADA LP
23250 CADA LN
CALDWELL, ID 83607

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>
67-7333	WR/DECREED	5/31/1977	1.000 cfs	68.0 af	N/A	73.6	TENNISON 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>
67-7333	NO	YES	NO	NO	NO	YES

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>
67-7333	67-7333	1.000 cfs	68.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.000 cfs	68.0 af	N/A	N/A		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 5th day of June, 2017.



Chief, Water Allocation Bureau

WATER RIGHT NO. 67-7333**As Modified by Transfer No. 80655**

In accordance with the approval of Transfer No. 80655, Water Right No. 67-7333 is now described as follows:

Right Holder: CADA LP
23250 CADA LN
CALDWELL, ID 83607

Priority Date: 5/31/1977

Source: TENNISON CREEK

Tributary: SOUTH CRANE CREEK

BENEFICIAL USE

DIVERSION TO STORAGE
AESTHETIC STORAGE
RECREATION STORAGE

From

01/01
01/01
01/01

To

to 12/31
to 12/31
to 12/31

Diversion Rate

1.000 cfs

1.000 cfs

Diversion Volume

68.0 af
68.0 af
68.0 af

LOCATION OF POINT(S) OF DIVERSION

TENNISON CREEK NWSW Sec 1 Twp 11N Rge 02W WASHINGTON County

PLACE OF USE: AESTHETIC STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	02W	2								X									

PLACE OF USE: RECREATION STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	02W	2								X									

CONDITIONS OF APPROVAL

1. The reservoir established by the storage of water under this right shall not exceed a total capacity of 68.0 acre-feet or a total surface area of 14.0 acres.
2. 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. 67.
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 diversion(s).

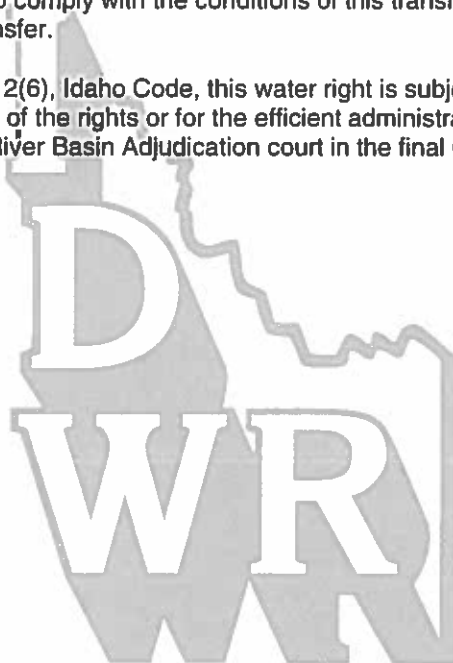
Transfer No. 80655

WATER RIGHT NO. 67-7333

As Modified by Transfer No. 80655

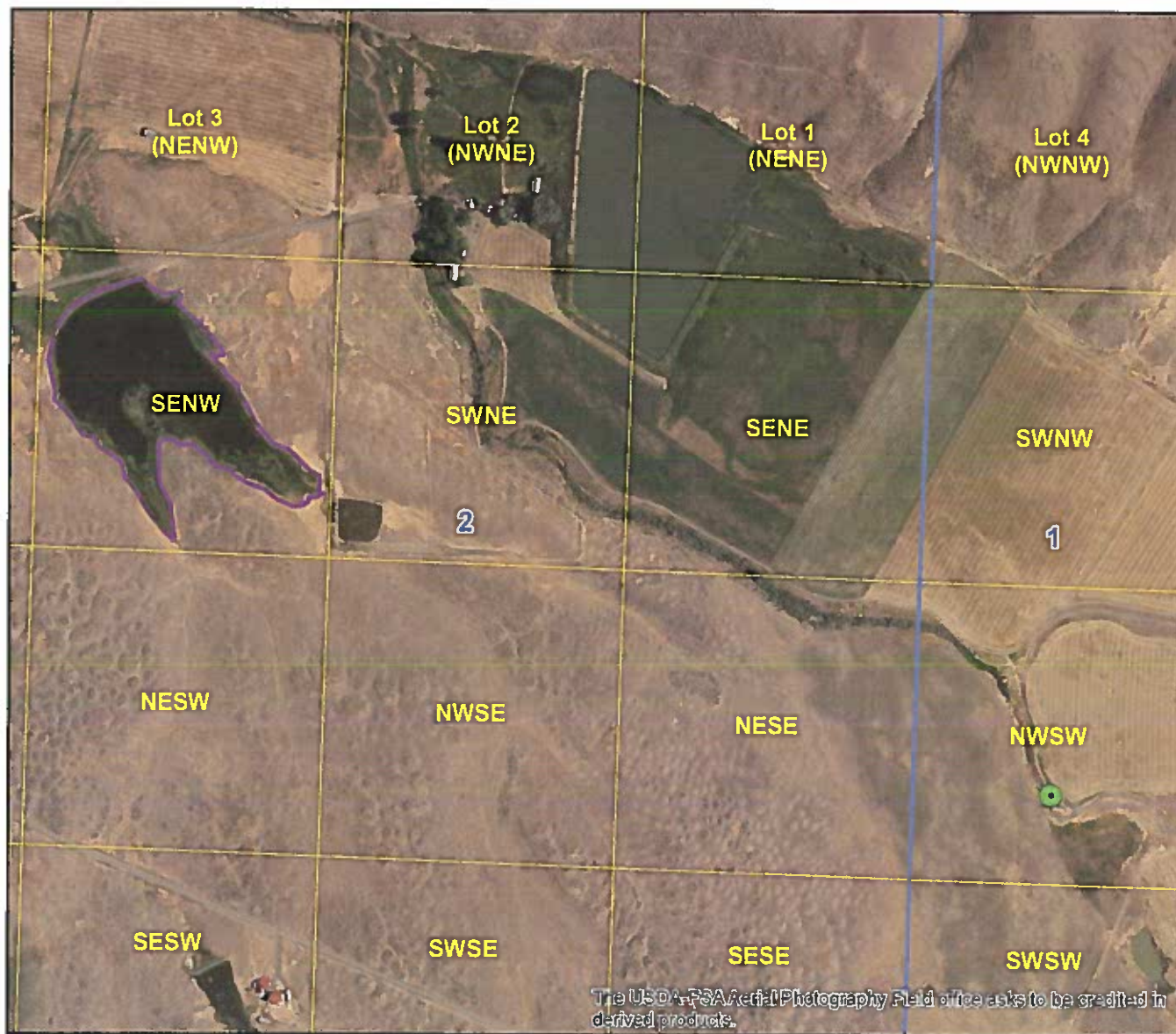
CONDITIONS OF APPROVAL

4. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this 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. 80655
Water Rights: 67-7333

This map depicts the Aesthetic Storage and Recreation Storage 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.



● 67-7333 Point of Diversion

□ Place of Use

□ Townships

□ PLS Sections

□ Quarter Quarters

0 0.075 0.15 0.3 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

June 5, 2017

CADA LP
23250 CADA LN
CALDWELL ID 83607

Re: Transfer No: 80655
Water Right No(s): 67-7333

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.

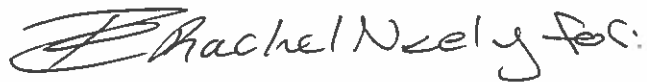
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and 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,

A handwritten signature in black ink that reads "Rachel Neely for". The signature is written in a cursive, flowing style.

Nick Miller

Western Regional Manager

Enclosure

CC:

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

BRANDI S. BONNER
WATERMASTER OF DISTRICT 67
2297 SNAPP LN
MIDVALE ID 83645

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 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.: 80655
Water Right No(s): 67-7333**

**CADA LP
23250 CADA LN
CALDWELL ID 83607**

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

**BRANDI S. BONNER
2297 SNAPP LN
MIDVALE ID 83645**



**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.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
County of Washington) ss.

Sarah Boles, being duly sworn,
deposes and says:

That she is the clerk of
THE WEISER SIGNAL AMERICAN, a weekly newspaper
published at Weiser, in the County of Washington and State of
Idaho; that said paper has been and is in general circulation in
the county aforesaid, and in the vicinity of Weiser; that the ad-
vertisement, a copy of which is attached hereto, was published in

said newspaper once a week for two consecutive weeks in
the regular and entire issue of said paper during the period and
time of publication, and was published in the newspaper proper
and not in a supplement; that said paper has been established
and regularly published for more than seventy-eight consecutive
weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

April 5, 2017

and ending

with the issue of April 12, 2017

Sarah Boles

Fees. \$ 171.73

Subscribed and sworn to before me this 12

date of April 2017

Stephanie McDaniel
Notary Public, residing at Weiser, Idaho.

My commission expires 09-14-18



No.

The following applications have been filed to appropriate the
public waters of the State of Idaho: JOK RN 5/4/17

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80655

CADA LP, 23250 CADA LN, CALDWELL, ID 83607; has
filed Application No. 80655 for changes to the following wa-
ter rights within WASHINGTON County(s): Right No(s).
67-7333. The purpose of this transfer is to change irrigation
storage and irrigation from storage in right 67-7333 to aes-
thetic storage and recreation storage. A point of diversion
change is also proposed to identify the diversion location that
has historically been used. A rate of 1.0 cfs and a volume of
68.0 af will be affected by the change. Aesthetic storage and
recreation storage will only occur in the SENW of S2, 11N,
2W; the point of diversion will be located in the NWSW of
S1, 11N, 2W. The proposal lies approximately one half mile
north of Big Flat Rd between S Crane Rd and Riley Butte Rd
in Midvale Idaho. JOK RN 5/4/17

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80654

CADA LP, 23250 CADA LN, CALDWELL, ID 83607; has
filed Application No. 80654 for changes to the following wa-
ter rights within WASHINGTON County(s): Right No(s). 67-
7281, 67-7292; to see a full description of these rights and the
proposed transfer. The purpose of this transfer is to change ir-
rigation storage and irrigation from storage in rights 67-7281
and 67-7292 to aesthetic storage and recreation storage. A
rate of 0.9 cfs and a volume of 90.0 af will be affected by the
change. Aesthetic storage and recreation storage will only
occur in the northeast quarter of S2, 11N, 2W. The proposal
lies approximately one half mile north of Big Flat Rd between
S Crane Rd and Riley Butte Rd in Midvale Idaho.

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 § 42-222. Any protest against the
proposed change(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 appli-
cation on or before 4/24/2017. The protestant must also send
a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/5/2017 and 4/12/2017

14-2S

RECEIVED

MAY 01 2017

WATER RESOURCES
WESTERN REGION