

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79560**

This is to certify that: MAGIC VALLEY GROUND WATER DISTRICT
PO BOX 430
PAUL, ID 83347

NORTH SNAKE GROUND WATER DISTRICT
152 E MAIN ST
JEROME, ID 83338

SOUTHWEST IRRIGATION DISTRICT
WILLIAM A PARSONS
PO BOX 910
BURLEY, ID 83318

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>
36-7072	WR/DECREED	9/5/1969	148.200 cfs	N/A	N/A	N/A	THOUSAND SPRINGS

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<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>
36-8356	WR/LICENSE	5/9/1988	45.000 cfs	32600.0 af		N/A	SPRINGS

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>
36-7072	YES	NO	YES	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>
36-7072	36-17028	10.000 cfs	N/A	N/A	N/A	36-7072	138.200 cfs	N/A	N/A	N/A
COMBINED TOTALS		10.000 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

Transfer No. 79560

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79560

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 16th day of March, 2017.



PAMELA S. SKAGGS, Water Rights Supervisor



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.

WATER RIGHT NO. 36-7072**As Modified by Transfer No. 79560**

In accordance with the approval of Transfer No. 79560, Water Right No. 36-7072 is now described as follows:

Right Holder: SEAPAC OF IDAHO INC
PO BOX 546
BUHL, ID 83316

Priority Date: 9/5/1969

Source: THOUSAND SPRINGS

Tributary: SNAKE RIVER

BENEFICIAL USE
FISH PROPAGATION

From 01/01 **To** 12/31

Diversion Rate
138.200 cfs
138.200 cfs

LOCATION OF POINT(S) OF DIVERSION

THOUSAND SPRINGS	L8 (SESESE)	Sec 6	Twp 08S Rge 14E	GOODING County
THOUSAND SPRINGS	L8 (SESESE)	Sec 6	Twp 08S Rge 14E	GOODING County
THOUSAND SPRINGS	L1 (NENWNW)	Sec 8	Twp 08S Rge 14E	GOODING County
THOUSAND SPRINGS	L1 (NWNWNW)	Sec 8	Twp 08S Rge 14E	GOODING County
THOUSAND SPRINGS	L1 (NWNWNW)	Sec 8	Twp 08S Rge 14E	GOODING County
THOUSAND SPRINGS	L1 (SENWNW)	Sec 8	Twp 08S Rge 14E	GOODING County
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THOUSAND SPRINGS	L1 (SENWNW)	Sec 8	Twp 08S Rge 14E	GOODING County
THOUSAND SPRINGS	L1 (SENWNW)	Sec 8	Twp 08S Rge 14E	GOODING County

PLACE OF USE: FISH PROPAGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	14E	5											X						
08S	14E	6																X	
08S	14E	8																L 8	
								X											
								L 1											

CONDITIONS OF APPROVAL

1. Fish propagation/commercial hatchery.
2. Facility volume is 602,600 cubic feet.
3. The rate of diversion from springs 1, 2 & 3 shall not exceed 38.5 cfs and further, that of the 38.5 cfs, 13.5 cfs less the amount of water flowing in the Brailsford Pipeline, measured at point B, shall be released at either point C (the measuring device at the upper pond) or through the Hill Flume into the upper pond.

Transfer No. 79560

WATER RIGHT NO. 36-17028**As Modified by Transfer No. 79560**

In accordance with the approval of Transfer No. 79560, Water Right No. 36-17028 is now described as follows:

Right Holder: SEAPAC OF IDAHO INC
PO BOX 546
BUHL, ID 83316

Priority Date: 9/5/1969

Source: THOUSAND SPRINGS

Tributary: SNAKE RIVER

BENEFICIAL USE

FISH PROPAGATION
MITIGATION

From

01/01
01/01

To

to 12/31
to 12/31

Diversion Rate

10.000 cfs
10.000 cfs
10.000 cfs

LOCATION OF POINT(S) OF DIVERSION

THOUSAND SPRINGS	L1 (NENWNW)	Sec 8	Twp 08S Rge 14E	GOODING County
THOUSAND SPRINGS	L8 (SESESE)	Sec 6	Twp 08S Rge 14E	GOODING County
THOUSAND SPRINGS	L1 (NWNWNW)	Sec 8	Twp 08S Rge 14E	GOODING County
THOUSAND SPRINGS	L1 (SENWNW)	Sec 8	Twp 08S Rge 14E	GOODING County
THOUSAND SPRINGS	L8 (SESESE)	Sec 6	Twp 08S Rge 14E	GOODING County
THOUSAND SPRINGS	L1 (NWNWNW)	Sec 8	Twp 08S Rge 14E	GOODING County
THOUSAND SPRINGS	L1 (SENWNW)	Sec 8	Twp 08S Rge 14E	GOODING County
THOUSAND SPRINGS	L1 (SENWNW)	Sec 8	Twp 08S Rge 14E	GOODING County
THOUSAND SPRINGS	L1 (SENWNW)	Sec 8	Twp 08S Rge 14E	GOODING County

PLACE OF USE: FISH PROPAGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	14E	31			X	X													0.0
07S	14E	32							X										0.0

PLACE OF USE: MITIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	14E	31			X	X													0.0
07S	14E	32							X										0.0

WATER RIGHT NO. 36-17028
As Modified by Transfer No. 79560

CONDITIONS OF APPROVAL

1. IGWA and Southwest Irrigation District will continue into the future aquifer enhancement activities equal to the rate of flow to be diverted from Magic Springs due to the transfer (No. 79560). Prior to the start of each irrigation season, IGWA must submit documentation to the State Office of the Department stating: (a) the rate of flow to be diverted from Magic Springs for the upcoming year (April 1 through March 31), and (b) past aquifer enhancement activities to sufficiently mitigate for water diverted from Magic Springs the upcoming year. For example, if 8 cfs will be diverted from Magic Springs pursuant to the transfer, IGWA and Southwest Irrigation District must submit documentation establishing mitigation from aquifer enhancement activities of 8 cfs to the Snake River between Kimberly and King Hill. If IGWA fails to document sufficient mitigation through aquifer enhancement activities as required, diversions from Magic Springs will not be authorized pursuant to this transfer for the year in which documentatioin is lacking.

WATER RIGHT NO. 36-8356

As Modified by Transfer No. 79560

In accordance with the approval of Transfer No. 79560, Water Right No. 36-8356 is now described as follows:

Right Holder: SEAPAC OF IDAHO INC
PO BOX 546
BUHL, ID 83316

Priority Date: 5/9/1988

Source: SPRINGS

Tributary: SNAKE RIVER

BENEFICIAL USE
FISH PROPAGATION

From
01/01 to **To**
12/31

Diversion Rate
45.000 cfs
45.000 cfs

Diversion Volume
32600.0 af
32600.0 af

LOCATION OF POINT(S) OF DIVERSION

SPRINGS L1 (SENWNW) Sec 8 Twp 08S Rge 14E GOODING County

PLACE OF USE: FISH PROPAGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	14E	8						X											
							L 1												

CONDITIONS OF APPROVAL

1. Use of water under this right shall be non-consumptive.
2. Rights 36-07072 and 36-17028 are also diverted through the point of diversion described above.
3. Rights 36-07072, 36-08356 and 36-17028 when combined shall not exceed a total diversion rate of 148.2 cfs.
4. The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.

State of Idaho
Department of Water Resources
Attachment to Transfer 79560
36-7072

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



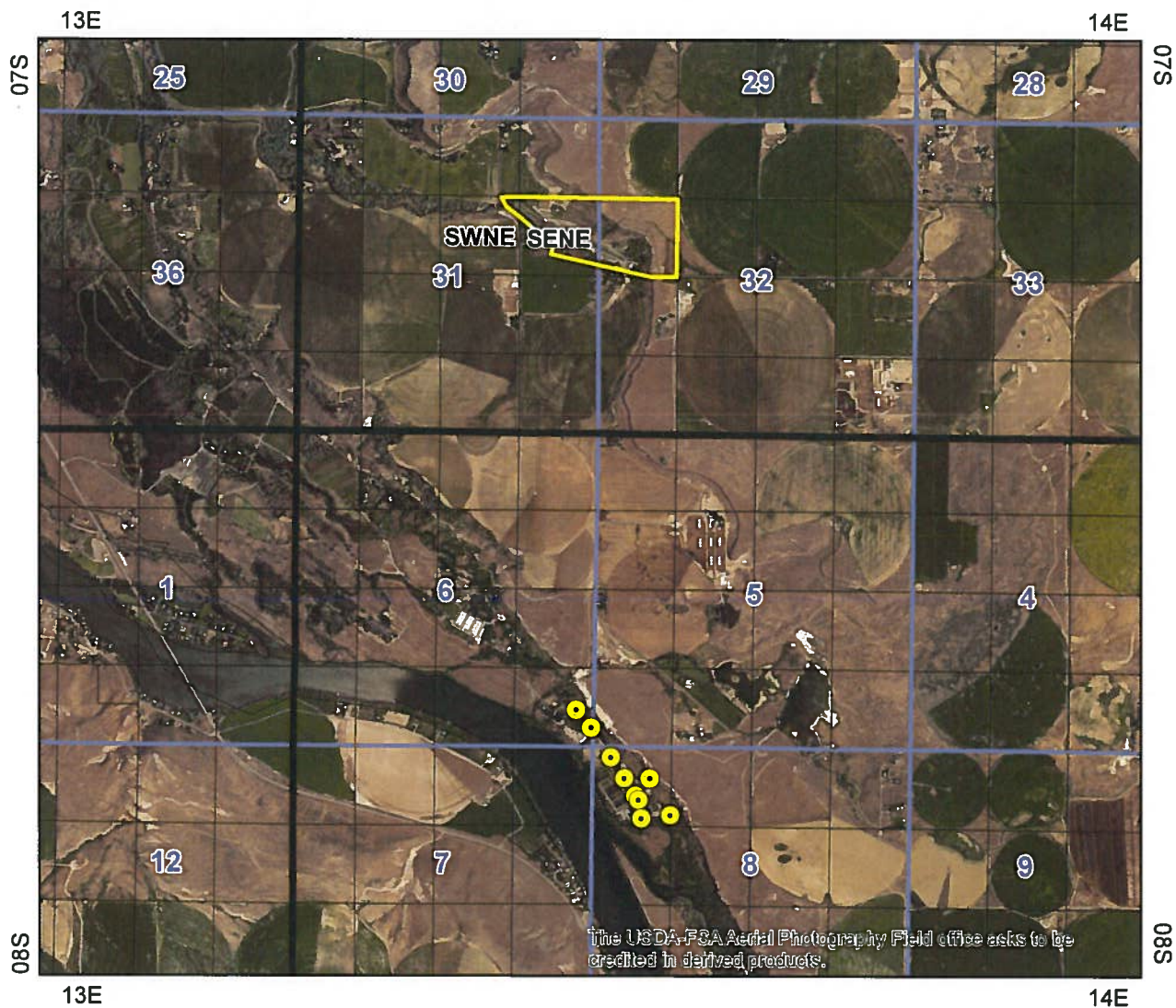
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.075 0.15 0.3 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer 79560
36-17028

This map depicts the FISH PROPAGATION and MITIGATION 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 0.35 0.7 1.4 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 16, 2017

NORTH SNAKE GROUND WATER DISTRICT
152 E MAIN ST
JEROME ID 83338

MAGIC VALLEY GROUND WATER DISTRICT
PO BOX 430
PAUL ID 83347

SOUTHWEST IRRIGATION DISTRICT
WILLIAM A PARSONS
PO BOX 910
BURLEY ID 83318

RE: Transfer No.: 79560
Water Right No(s). 36-7072, 36-17028 & 36-8356

Dear Right Holder and other Interested Parties:

The Department of Water Resources has issued the enclosed transfer in connection with the March 18, 2015, final order. Our water right database has been updated to reflect the changes to the affected rights listed above.

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

Sincerely,

Pamela Skaggs
Water Rights Supervisor

Enclosure(s)

c: RANDALL C BUDGE RACINE OLSON LAW
RANGEN INC C/O FRITZ HAEMMERLE
BRODY LAW OFFICE C/O ROBYN M BRODY
MAY BROWNING & MAY C/O J JUSTIN MAY
SEAPAC OF IDAHO INC