

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81339**

This is to certify that: PICKET CORRAL HOMEOWNERS ASSN
PO BOX 86
EMMETT, ID 83617

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>
65-7839	WR/DECREED	3/1/1977	0.440 cfs	68.3 af	N/A	4.5	GROUND WATER

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>
65-7839	NO	NO	NO	YES	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>
65-7839	65-7839	0.440 cfs	68.3 af	N/A	4.5	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.440 cfs	68.3 af	N/A	4.5		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 26th day of January, 2017.



Chief, Water Allocation Bureau

WATER RIGHT NO. 65-7839**As Modified by Transfer No. 81339**

In accordance with the approval of Transfer No. 81339, Water Right No. 65-7839 is now described as follows:

Right Holder: PICKET CORRAL HOMEOWNERS ASSN
PO BOX 86
EMMETT, ID 83617

Priority Date: 3/1/1977

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DOMESTIC	1/01	to 12/31	0.300 cfs	48.0 af
IRRIGATION	3/15	to 11/15	0.140 cfs	20.3 af
			0.440 cfs	68.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSE	Sec 26 Twp 07N Rge 01W GEM County
GROUND WATER	SWSE	Sec 26 Twp 07N Rge 01W GEM County
GROUND WATER	NENW	Sec 35 Twp 07N Rge 01W GEM County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	01W	26										X	X	X					
07N	01W	35		X			X	X	X	X									

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	
07N	01W	26											0.5	1.0					1.5
07N	01W	35					3.0												3.0

POU Total Acres: 4.5

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 81339

WATER RIGHT NO. 65-7839
As Modified by Transfer No. 81339

CONDITIONS OF APPROVAL

3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/25/2016.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Domestic use is for 40 homes.
6. Place of use is located within Picket Corral Subdivision.
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.

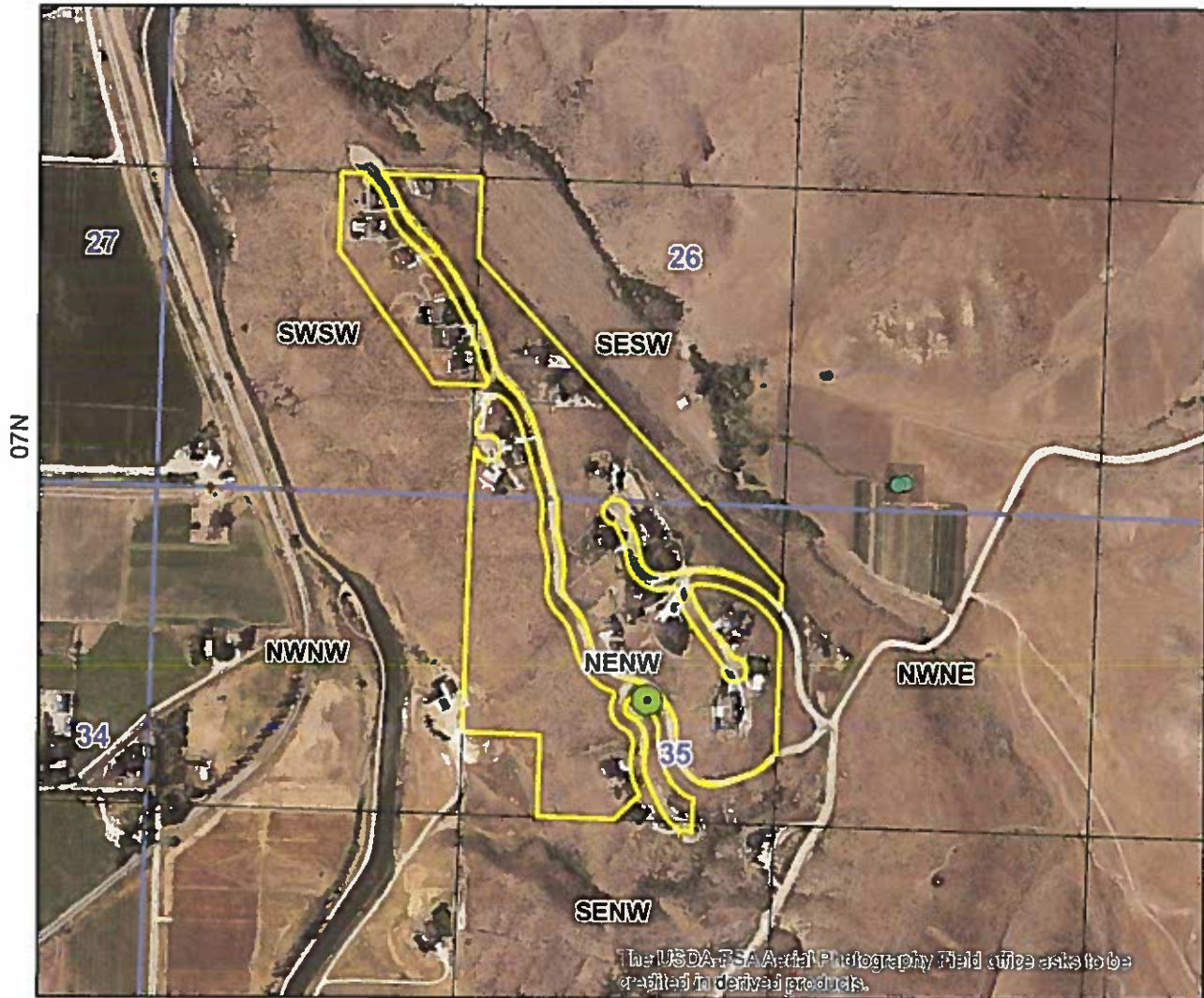
State of Idaho
Department of Water Resources

Attachment to Water Right Transfer

No. 81339

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.

01W



0 0.075 0.15 0.3 Miles

-  Transfer POU
-  Townships
-  PLS Sections
-  Existing POD's
-  Proposed Transfer POD



State of Idaho
Department of Water Resources

Attachment to Water Right Transfer

No. 81339

This map depicts the DOMESTIC 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.

01W



-  Townships
-  PLS Sections
-  Transfer POU
-  Quarter Quarters
-  Proposed Transfer POD
-  Existing POD's

0 0.075 0.15 0.3 Miles



AMENDED RECEIVED

Received Dec. 30th 2011

42-222 (PXD) - 09 14

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

DEC 30 2016

RECEIVED
DEC 07 2016
WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT - POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. APPLICANT(S) Picket Corral Homeowners Assn Phone 208-365-0138
2. MAILING ADDRESS 2056 Horseshoe Drive City Emmett
State Idaho Zip 83617 Email pettingillkb@gmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 65-7839

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 0.44 cubic feet per second and/or 68.3 acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION - Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
yes		SE	NE	NW	35	7N	1W	Gem	groundwater	
no		SW	SW	SE	26	7N	1W	Gem	groundwater	359280
no		SW	SW	SE	26	7N	1W	Gem	groundwater	

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

The new well will provide redundancy for Picket Corral's existing well which is declining in capacity. Each well discharge will be provided a totalizing flow meter located in a new well house (see attached diagram).

- b. Who owns the property at the point(s) of diversion? applicant (Picket Corral Homeowners Assn)

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

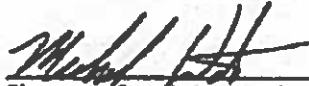
- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

☐ If yes and there are multiple owners, attach a Lessor Designation form.

☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The Map Tool, available at www.khwr.idaho.gov/TransferApplicationInstructions/ provides a satisfactory template for creating the required map.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.



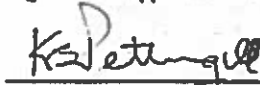
Signature of applicant or authorized agent

MICHAEL WOODWARD

Print name and title if applicable

12/7/16

Date



Signature of applicant or authorized agent

KEITH B. PETTINGILL

Print name and title if applicable

PCOA President

12/29/2016

Date

9. FEE - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.khwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes 3 pages of attachments.

Received by CS

Date 12/7/16

Fee paid \$500 Date 12/7/16

Received by CS

Receipt # W044B26

Preliminary review by CS

Date 12/23/16

Active in the Water Supply Bank? Yes ☐ No ☒

W-9 received? Yes ☐ No ☐ Name on W-9 N/A

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 - confidential information is held by fiscal only)

ORIGINAL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESRECEIVED
DEC 07 2016
WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. APPLICANT(S) Picket Corral Homeowners Assn Phone 208-365-0138
 2. MAILING ADDRESS 2056 Horseshoe Drive City Emmett
 State Idaho Zip 83617 Email pettingillkb@gmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 65-7839

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, Water Right Transfers, Step 1, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 0.44 cubic feet per second and/or 68.3 acre-feet per annum.
 (diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, Water Right Transfers, Online Resources.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
yes		SE	NE	NW	35	7N	1W	Gem	groundwater	
no		SW	SW	SE	26	7N	1W	Gem	groundwater	359280
no		SW	SW	SE	26	7N	1W	Gem	groundwater	

Superseded by Application with authorized signature received 12/30/16

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

The new well will provide redundancy for Picket Corral's existing well which is declining in capacity. Each well discharge will be provided a totalizing flow meter located in a new well house (see attached diagram).

- b. Who owns the property at the point(s) of diversion? applicant (Picket Corral Homeowners Assn)

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The Map Tool, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Michael H. Woodward
Signature of applicant or authorized agent

MICHAEL WOODWARD
Print name and title if applicable

12/7/16
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. FEE - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes 3 pages of attachments.

Received by CS

Date 12/7/16

Fee paid \$500 Date 12/7/16

Received by CS

Receipt # W044826

Preliminary review by [Signature]

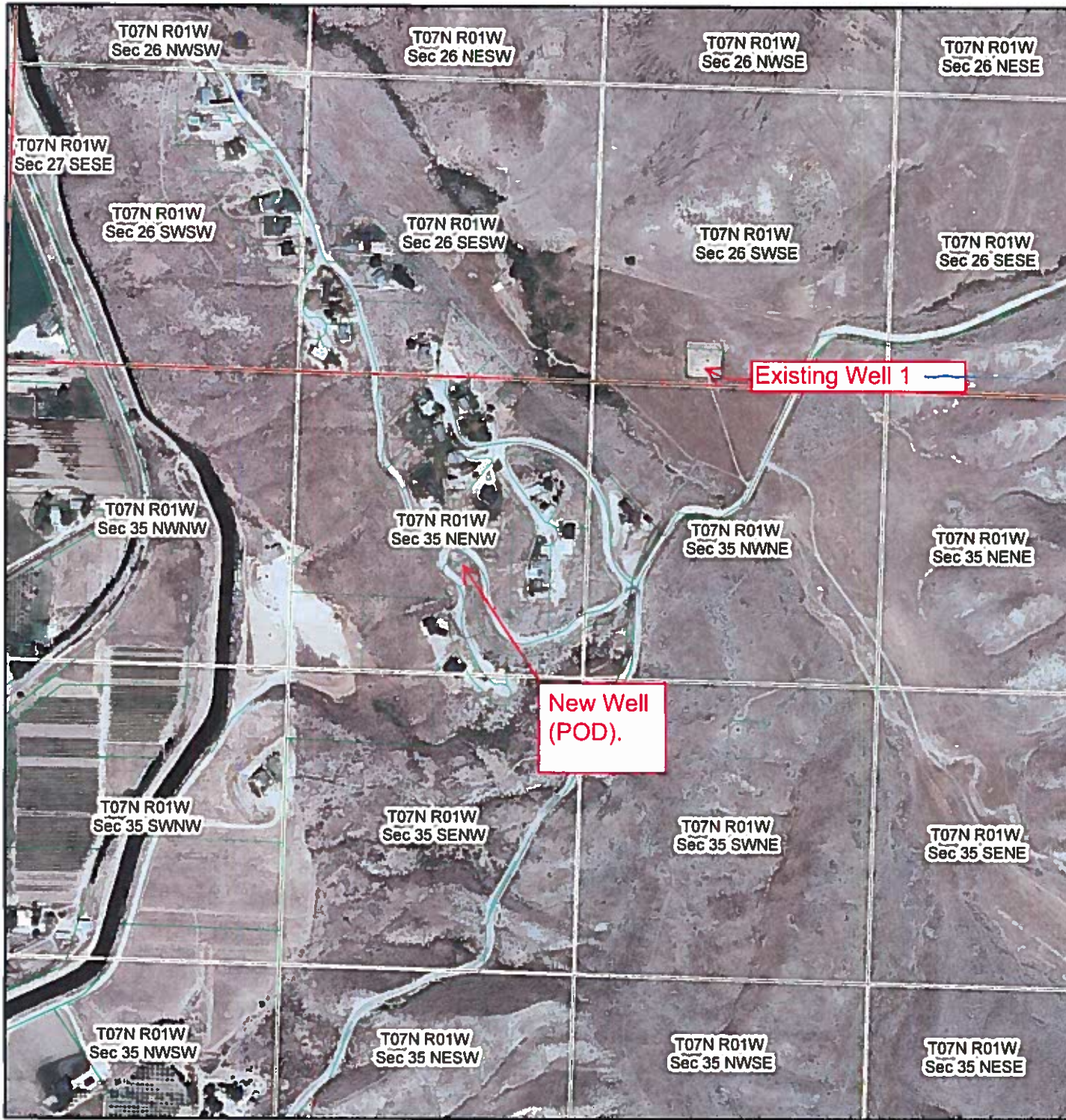
Date 12/22/16

Active in the Water Supply Bank? Yes ☐ No ☒

W-9 received? Yes ☐ No ☒ Name on W-9 N/A

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 - confidential information is held by fiscal only)



Legend

- ESPA
- GCDB Township/Range
- GCDB Section
- GCDB Quarter-Quarter
- Counties

Pg. 3

81339

0 305 610 1,220 1,830 2,440 Feet



12/7/2016

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PICKET CORRAL HOMEOWNERS ASSN PO BOX 86 EMMETT, ID 83617 (208) 365-0138

Status: Active

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	0.140 CFS	20.3 AF
DOMESTIC	1/01	12/31	0.300 CFS	48.0 AF
	<u>Total Diversion</u>		0.440 CFS	68.3 AF

GROUND WATER	SWSE	Sec. 26, Twp 07N, Rge 01W, GEM County
GROUND WATER	SWSE	Sec. 26, Twp 07N, Rge 01W, GEM County

[illegible][illegible]

1.	R69	This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2.	O1M	After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3.	X61	The period of use for the irrigation described in this approval may be extended to a

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/7/2016

- beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
4. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
 5. X04 Domestic use is for 40 homes.
 6. X60 Place of use is located within Picket Corral Subdivision.
 7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 8. T08 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. T19 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.

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

January 26, 2017

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

PICKET CORRAL HOMEOWNERS ASSN
PO BOX 86
EMMETT ID 83617

Re: Transfer No: 81339
Water Right No(s): 65-7839

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 cursive script, appearing to read "Rachel Neely for".

Nick Miller

Western Regional Manager

Enclosure

CC:

MOUNTAIN WATERWORKS
C/O MICHAEL WOODWORTH
PO BOX 9906
BOISE ID 83707

CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 81339
Water Right No(s): 65-7839**

**PICKET CORRAL HOMEOWNERS ASSN
PO BOX 86
EMMETT ID 83617**

**MOUNTAIN WATERWORKS
C/O MICHAEL WOODWORTH
PO BOX 9906
BOISE ID 83707**

A handwritten signature in dark ink, appearing to be 'Rachel Neely', is written over a horizontal line.

**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.

MEMORANDUM

TO: Transfer No. 81339 File

FROM: Justin Shearer

DATE: 1/19/2017

RE: Evaluation of Sufficiency of Information Submitted

Transfer No. 81339 proposes a new well and POD to water right 65-7839. According to the transfer application the new well will provide redundancy for Picket Corral's existing well which is declining in capacity.

The pre-transfer POD description is located at the south end of the subdivision and approximately 420 meters SW from the existing well.

Summary of Information Submitted

Authority to File: The application was filed in the name of Picket Corral Owners Association which matches current ownership of water right 65-7839 and was signed by a Keith Pettingill who is acting President of the Picket Corral Owners Association and is thus authorized to sign and submit application. Confirmed correct mailing address with applicant as PO Box 86, Emmett, ID 83617 via email 1/19/2017.

Water Right Validity: Water right 65-7839 was decreed in 2002. Review of 2015 aerial imagery shows irrigated lands and domestic structures present associated with the POU. No forfeiture risk is found.

Overlap Analysis: NO POU overlap is found. Large irrigation district water rights are found, however the subdivision sits on elevated ground above any delivery ditch. Water right staff has no information to suggest irrigation shares are delivered. No POD overlap is found. The new diversion will be described under the same existing right.

Injury to Other Water Rights: None anticipated. The new point of diversion proposal is being drilled in the nearby vicinity to the SW of the existing well. Delivery to the place of use is not changing. At the time of this review, there are no ground water related concerns in Gem County.

Enlargement of Use: None anticipated. The new diversion when combined with existing diversions will be limited to a total diversion of 0.44 cfs and annual volume of 68.3 af as described by water right 65-7839. The transfer application indicates a measuring device is to be installed on the new well.

Local Public Interest: No issues identified. As per Idaho Code 42-222, this application will continue processing without advertisement because the water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source, or affect other water rights.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Shearer, Justin

From: Keith Pettingill <pettingillkb@gmail.com>
Sent: Thursday, January 19, 2017 11:33 AM
To: Shearer, Justin
Subject: Re: Address Confirmation for Picket Corral Homeowners Association

Justin,

The correct mailing address for Picket Corral Owners Association is:
PO Box 86, Emmett, ID 83617

The correct physical address for Picket Corral Owners Association is:
2052 Picket Lane, Emmett, ID 83617

Thanks for your help with our request.
Keith

On Thu, Jan 19, 2017 at 11:26 AM, Shearer, Justin <Justin.Shearer@idwr.idaho.gov> wrote:

Good Morning Keith,

Thank you for your time this morning on the phone. As we discussed, if you could please clarify the address preferences for Pickett Corral Homeowners Association it would be greatly appreciated. Please detail the following at your earliest convenience:

- Registered Business Mailing Address
- Any other addresses you would like us to keep on file

If you have any questions or concerns please feel free to contact me.

Thanks and regards

Justin Shearer

Idaho Department of Water Resources

Water Resource Agent

[\(208\) 334-2190](tel:(208)334-2190)

justin.shearer@idwr.idaho.gov

MEMORANDUM

Date: December 9, 2016
To: Transfer 81339
From: Angie Grimm
Re: Legal Notice Not Required

Legal Notice Not Required
12/9/2016

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.



December 7, 2016

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, Idaho 83705

Subject: Water Right 65-7839 Transfer Application - Request for Expedited Review

To whom it may concern:

As we have previously discussed, the Picket Corral Homeowners Association (Association) has hired Mountain Waterworks, Inc. to assist in the planning, design, and construction of a new public drinking water well for their 35-home subdivision located approximately one mile east of the Emmett city limits. The Association's single existing well has seen significant declines in production capacity, resulting in a source of supply deficiency of approximately 75 percent. As a result, the Association's distribution system depressurized numerous times, putting at risk the health of all of the homeowners in the subdivision. Additionally, the Association has been identified by the Idaho Department of Environmental Quality as being out-of-compliance with State regulatory standards.

The water supply deficiency requires swift action on behalf of all parties involved in order to limit exposure to public health threats. To that end, the Association has received funding from the USDA Rural Development for funding the construction of the new well and two test wells have been constructed on-site, with one of the test wells appearing to provide sufficient water quantity.

Due to this emergency status, Mountain Waterworks, on behalf of the Association respectfully requests expedited review of the attached water right transfer application. Additionally, because the new well will target the same source as the existing well, the Association requests that the 30-day public comment period be waived for this transfer.

Please address any questions regarding this letter or the Water Right Transfer Application to Mike Woodworth, P.E. at Mountain Waterworks: (208) 780-3982, mwoodworth@mountainwtr.com.

Thank you for your timely consideration of this matter,

Mountain Waterworks, Inc.

Michael Woodworth, P.E.
Senior Project Manager