

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78803

This is to certify that: CITY OF JEROME
152 E AVE A
JEROME, ID 83338

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>
36-8111	WR/DECREED	8/20/1982	0.560 cfs	152.0 af	N/A	38.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

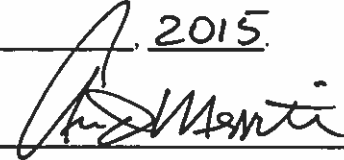
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-8111	NO	YES	YES	NO	NO	YES

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>
36-8111	36-8111	0.530 cfs	106.0 af	26.5	26.5	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.530 cfs	106.0 af	26.5	26.5		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 1st day of September, 2015.


Southern Region Manager

WATER RIGHT NO. 36-8111

As Modified by Transfer No. 78803

In accordance with the approval of Transfer No. 78803, Water Right No. 36-8111 is now described as follows:

Right Holder: CITY OF JEROME
152 E AVE A
JEROME, ID 83338

Priority Date: 8/20/1982

Source: GROUND WATER

BENEFICIAL USE
MUNICIPAL

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

Diversion Rate
0.530 cfs
0.530 cfs

Diversion Volume
106.0 af
106.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 25 Twp 08S Rge 16E	JEROME County
GROUND WATER	SESE	Sec 17 Twp 08S Rge 17E	JEROME County
GROUND WATER	SENE	Sec 18 Twp 08S Rge 17E	JEROME County
GROUND WATER	SENE	Sec 18 Twp 08S Rge 17E	JEROME County
GROUND WATER	NWNE	Sec 19 Twp 08S Rge 17E	JEROME County

WATER RIGHT NO. 36-8111
As Modified by Transfer No. 78803

CONDITIONS OF APPROVAL

1. Municipal use is only for irrigation of 26.5 acres within the authorized place of use in a single irrigation season. No other municipal type uses are authorized under this right.
2. The right holder shall file an application for transfer and obtain approval from the Department before using water diverted pursuant to this right for any purpose, including municipal use, other than irrigation of open space within the municipal service area.
3. Place of use is within the service area of the City of Jerome municipal water supply system as provided for under Idaho Law.
4. This right is limited to the irrigation of a specific 26.5 acres within the service area of the City of Jerome in a single irrigation season. The specific 26.5 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the Department. Before changing the 26.5 acres to be irrigated within the City of Jerome service area, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. 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. 130.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. Prior to the diversion and use of water under Transfer approval 78803, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications.
9. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
10. The following rights are diverted through point(s) of diversion described above: 36-2518, 36-4195, 36-4196, 36-8237, and 36-15361.
11. This right does not grant any right-of-way or easement across the land of another.
12. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

WATER RIGHT NO. 36-8111
As Modified by Transfer No. 78803

CONDITIONS OF APPROVAL

14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



State of Idaho
Department of Water Resources

Attachment To Transfer No. 78803

36-8111

This map depicts the MUNICIPAL 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

— Water Service Area Boundary

— Townships

— PLS Sections

— Quarter Quarters

0 0.5 1 2 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

September 2, 2015

CITY OF JEROME
152 E AVE A
JEROME ID 83338

Re: Transfer No: 78803
Water Right No(s): 36-8111

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 "Allen Merritt". The signature is stylized with a large, sweeping initial "A" and a cursive "Merritt".

Allen Merritt
Southern Regional Manager

Enclosure

cc:

BROCKWAY ENGINEERING PLLC
C/O CHARLES G BROCKWAY
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

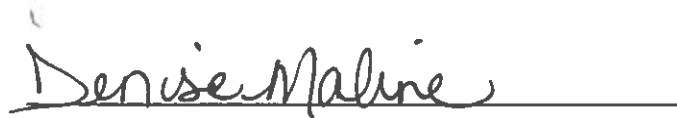
CERTIFICATE OF SERVICE

I hereby certify that on September 2, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 78803
Water Right No(s): 36-8111

CITY OF JEROME
152 E AVE A
JEROME ID 83338

BROCKWAY ENGINEERING PLLC
C/O CHARLES G BROCKWAY
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

A handwritten signature in dark ink, reading "Denise Maline", is written over a solid horizontal line.

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.



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

September 2, 2015

NATHAN ERICKSON WATERMASTER
WATER DISTRICT # 130
650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

Hand-delivered

Re: **APPROVED Transfer No. 78803 (City of Jerome)**

Dear Nathan:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer(s) within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in black ink that reads "Denise Maline". The signature is written in a cursive, flowing style.

Denise Maline
Administrative Assistant

Enclosure

MEMORANDUM

Date: August 20, 2015
To: Transfer 78803, City of Jerome file
From: Jim Bitzenburg
Re: Preapproval status of Transfer 78803

The watermaster of WD-130, Cindy Yenter, reviewed this transfer early this year and sent an email to Chuck Brockway and myself with her recommendations. No response was received by June 1 of this year, so on June 16, a "30 day" letter was mailed to Brockway Engineering to elicit a response. On July 13, our office received a response by mail. This memo will outline the issues presented by Ms. Yenter, the responses from Brockway Engineering, and the 'final product' that will go into the transfer.

The application for transfer corrected the Point of Diversion legal descriptions for two of the City wells, the 'Peters' well and the 'Marshall' well. There was a question as to whether or not the City would amend the transfer to correct the legal descriptions on all of the City's rights, or just on the right in this transfer. It was decided that the corrections would be done only on right 36-8111, and the City would file a follow-up transfer to make the corrections to its other rights at a later point in time. The PODs were described down to the 10 acre tracts, and the inaccuracies were in the QQQ descriptions, so these have been dropped, leaving only the correct QQ descriptions. IDWR will waive the advertising of the subsequent transfer to correct the POD descriptions.

Additionally, the City intended to change the beneficial use from Irrigation to Municipal, but wanted to maintain the irrigation volume, rather than limiting the right to its historic consumptive use in the change from irrigation to municipal. In order to gain watermaster approval, Ms. Yenter requested a condition (206) limiting the right to the acres that were found to be irrigated within the past five years, and requiring that a map showing the specific acres that would be irrigated within the City of Jerome service area be submitted every year in which the acres are changed. As a result, the water right shape for 36-8111 is linked to the specific irrigated acres (26.5) within the Jerome city service area.

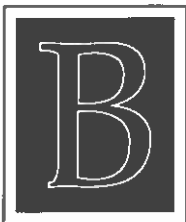
In my initial measurement of the irrigated acres from the single year of irrigation within the past 5 years (2013), I came up with approximately 26 acres. Brockway Engineering maintains there are 26.5 acres, which, upon reexamination, seems reasonable. So the actual historic beneficial use that will be transferred will be 26.5 acres, with a flow rate of 0.53 cfs (26.5 x 0.02 cfs), and a volume of 106 AF (26.5 x 4 AF).

The shape file of the City service area has been provided by Brockway Engineering, as well as the intended irrigation acres shape for this transfer (206 map).

FEE MEMORANDUM

Date: August 20, 2015
To: City of Jerome Transfer File - 78803
From: Jim Bitzenburg
Re: Fees involved in transfer

The fee for transfer 78803, City of Jerome was \$750.00, and was based on the flow rate of the water right involved in the transfer, 36-8111, at 0.56 cfs. That amount was \$500.00, with an additional \$250.00 fee for the proposed change in the nature of use. This total of \$750.00 was paid on August 28, 2013, by Brockway Engineering, and the receipt number was S033487.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JUL 13 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

July 13, 2015

Mr. Jim Bitzenburg
Idaho Department of Water Resources
650 Addison Ave W, Suite 500
Twin Falls, ID 83301-5858

Re: City of Jerome / T#78803

Dear Jim:

On behalf of the City of Jerome I am responding to your letter dated June 16, 2015.

First, I will have our GIS personnel transmit a shape file of the City's municipal service area so that the Department may update its files. Enclosed with this letter is a hard copy of that map.

With regard to the legal descriptions of the wells, the City will drop the 10-acre tract description and specify the location of each point of diversion to the nearest 40. The correct 40-acre descriptions for all wells are as follows:

10th Street Well 1	SE1/4 NW1/4 Sec. 18, T. 8 S., R. 17 E.
10th Street Well 2	SE1/4 NW1/4 Sec. 18, T. 8 S., R. 17 E.
A Street Well	NW1/4 NE1/4 Sec. 19, T. 8 S., R. 17 E.
Peters Well	SE1/4 SE1/4 Sec. 17, T. 8 S., R. 17 E.
Marshall Well	NE1/4 SE1/4 Sec. 25, T. 8 S., R. 16 E.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

The City will submit a follow-up transfer to correct the points of diversion descriptions on the City's other water rights to agree with those above. It is understood that the Department will waive advertising of this transfer and will consider reduced application fees based on individual system diversion rates.

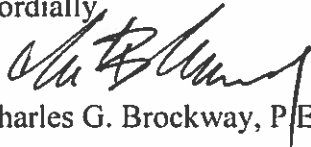
On the issue of historic beneficial use, the City has been unable to confirm irrigation of the full 38 acres under water right 36-8111 within the last 5 years. The City will agree to an irrigated area of 26.5 acres as shown on the attached aerial photo delineation of the irrigation at the current place of use, and the corresponding diversion rate of 0.53 cfs and annual volume of 106 ac-ft.

Finally, the condition proposed by Cindy Yenter relative to administration of the irrigation right within the City service area is acceptable. The verbiage of

this condition is contained in an email from Cindy on February 11, 2015 and reproduced in your letter. I will have our GIS personnel transmit to you a shape file representing the 26.5 acres to be irrigated under this right, which consist of parks and ball fields within the City boundaries. Enclosed with this letter is a hard copy of that map.

Thank you for your efforts on this application. Please do not hesitate to contact me if anything further is required.

Cordially

A handwritten signature in black ink, appearing to read "Charles G. Brockway".

Charles G. Brockway, P/E.

Enc. Maps
cc: Rob Williams, Atty.
Larry Bybee, City of Jerome
Walt Appell, City of Jerome



0 75 150 300 Feet

CITY OF JEROME
IRRIGATION REVIEW
NAIP 2013 AERIAL

BROCKWAY ENGINEERING, PLLC.
ALR - Date: 7/2/2015

Legend

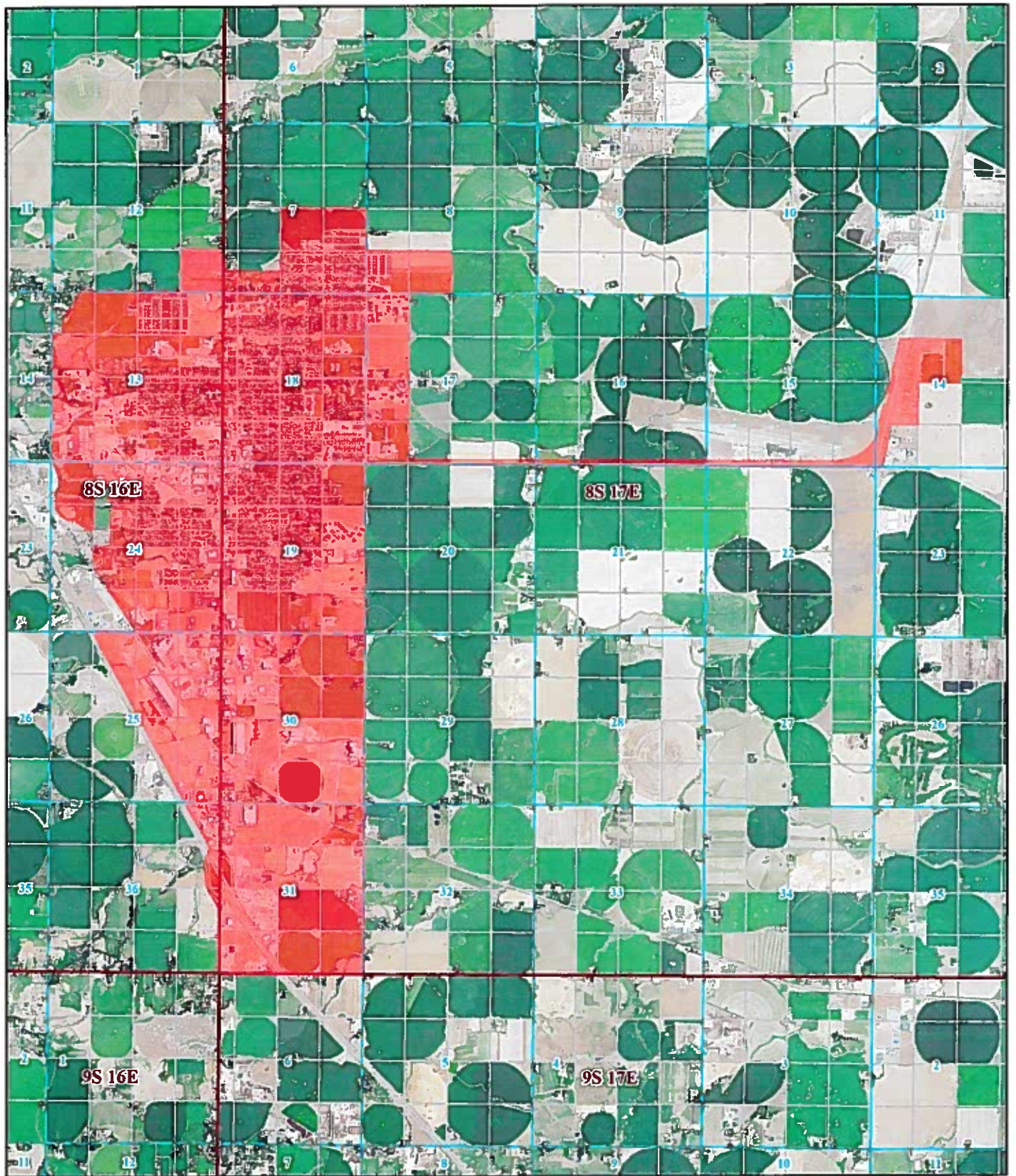
- city_limits
- Butte Irrigation 2013
- township
- Section
- ladesc



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JUL 13 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION



0 0.25 0.5 1 Miles

CITY OF JEROME
WATER SERVICE AREA 2015
NAIP 2013 AERIAL

Legend

- Water Service Area
- township
- Section
- ladesc

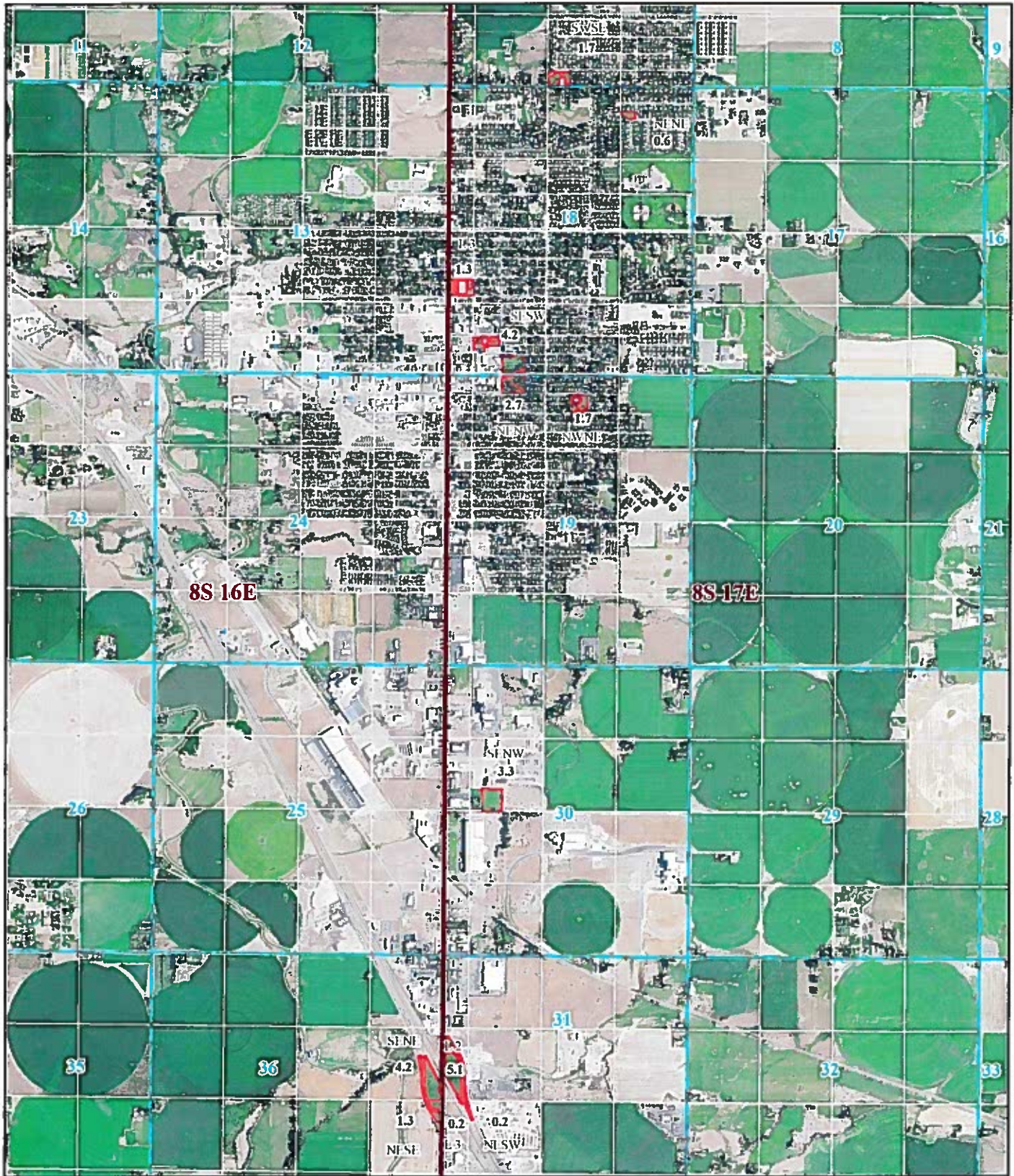


BROCKWAY ENGINEERING, PLLC.
ALR - Date: 7/13/2015

RECEIVED

13
JUL 13 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION



0 750 1,500 3,000 Feet

CITY OF JEROME
TRANSFER NEW POU 26.5 ACRES
NAIP 2013 AERIAL

Legend

- Place Of Use New
- township
- Section
- ladesec



BROCKWAY ENGINEERING, PLLC.
ALR - Date: 7/13/2015

RECEIVED

JUL 13 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 16, 2015

City of Jerome
152 East Ave. A
Jerome, ID 83338

RE: Unresolved issues with City of Jerome transfer 78803

Dear Sirs:

This letter is a follow-up to the email sent to you by Cindy Yenter, WD-130 Watermaster, on February 11 of this year regarding several items which need to be resolved before we can proceed with the completion of the City of Jerome transfer which we have been working on for an extended period of time. This transfer has gone through the advertising process without protest, and is very near the point of approval, but without further information, the Department of Water Resources will return the application in 30 days without further action and retain all fees.

As Ms. Yenter mentioned in her email, we need to have a shape file of the municipal service area of the City provided to us, as we have no electronic map of that shape in our system at this time.

Additionally, we need the City to confirm the legal descriptions that it would like to use for the Marshall and Peters wells. We can stay with the 10 acre (QQQ) descriptions provided in the application, or drop the QQQ description and use the 40 acre (QQ) description. Ground water diversions only need to be described down to the 40 acre tract, not down to the 10 acre tract. As Ms. Yenter has communicated to Charles Brockway, the POD descriptions for these two wells cannot be changed on the other City water rights without amending this transfer, or filing a new transfer. In either case, additional fees would be necessary. It appears that the confusion over the location of the Marshall well has been cleared up, as Ms. Yenter has confirmed that the well is located in the SENESE of Section 25.

Finally, as addressed in the February email, although right 36-8111 was decreed for 38 acres and the transfer was filed for 38 acres, our determination of the historic beneficial use under the right is for 26 acres, based on the irrigated acreage of sugar beets which were grown on the ground in 2013. This acreage was determined by aerial imagery from 2013. The amounts available for transfer would be 26.0 acres, 0.52 cfs (26 acres at the standard 0.02 cfs/acre), and 104.0 AFA (26 acres at the field headgate requirement of 4.0 AF/acre); however, Ms. Yenter has stated that in order for the transfer to be approved as a change from irrigation to a municipal use, and not have the volume reduced to the historic consumptive use for sugar beets in Jerome county (approximately 80 AF for the 26 acres) a separate condition will need to be added to the right to prevent enlargement.

In the February email, she provided a draft of her recommended condition:

"This right is limited to the irrigation of a specific 26 acres within the service area of the City of Jerome in a single irrigation season. The specific 26 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 26 acres to be irrigated within the City of Jerome service area, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur."

This shape file will need to be provided prior to transfer approval and a new shape file provided prior to any irrigation season in which a change in the 26 acres to be irrigated is to be made.

The information requested must be provided on or before July 16, 2015, or IDWR will return the application and retain all fees. If you have any questions, feel free to contact me at 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Bitzenburg', with a stylized, cursive script.

Jim Bitzenburg
Water Resource Agent

Cc: Rob Williams, City Attorney
Charles Brockway, Brockway Engineering
Cindy Yenter, Watermaster, WD-130

Bitzenburg, James

From: Yenter, Cindy
Sent: Wednesday, February 11, 2015 9:56 AM
To: Charles G. Brockway
Cc: Rob Williams; 'Walt Appell'; Bitzenburg, James; Merritt, Allen
Subject: City of Jerome Transfer 78803 (Brown Transfer)

Chuck – Jim Bitzenburg and I have reviewed this application and identified three items, described below, which will need to be addressed before the transfer may be finalized. Jim had intended to send correspondence after I commented on the application, but at this point we believe it more expedient to disseminate this information in an email. If you or your client would like a more formal letter, we will prepare one. Otherwise this communication will be included in the file.

Please respond to these items:

1. A hard copy map of the municipal service area was provided as part of the transfer. We find we do not have an electronic version of that particular shape on file and would like to request that the shape be sent to us, for purposes of creating a digital municipal boundary.

2. The application identified incorrect 10-acre tracts on record for two of the city pods*. This transfer as filed will only update the legal descriptions for 36-8111 and cannot be used to update other rights. Descriptions for pod on all associated rights must be consistent. There are 2 options to update all rights:

- amend the present transfer to add right nos 36-2518, 4195, 4196, 8237 and 15361 for purposes of updating pod descriptions, and pay additional fees.
- file a second transfer including only the above five rights and correct the pod descriptions to match 36-8111.

In either case I believe the region would waive advertising. The fees associated with amending the present transfer would likely be less than fees for a new transfer.

**we are unsure that the location of the Marshall well as described in the application is correct. Gps coordinates on file for this well put it in the NENESE Sec 25 rather than the SENESE as shown on the application. The recorded description is NWNESE which we all agree is incorrect. The real location needs to be confirmed and at minimum the application may need to be amended to adjust this pls.*

3. IDWR's transfer memo requires that:

"An application for transfer, which proposes to convey an established water right to a municipal provider and change the nature of use to municipal purposes, as defined in Section 42-202B, *Idaho Code*, shall not be approved without limiting the volume of water divertible under the right to the historic consumptive use under the water right prior to the proposed change." *Transfer Processing Memo No 24, revision 8.3, Dec 21, 2009.*

36-8111 was decreed for 38 acres. IDWR's determination of historic beneficial use under this right is based on 26 acres of sugar beets found irrigated in 2013. Consequently the total portion of the irrigation water right eligible for transfer is limited to 26 acres, 0.52 cfs (flow rate limited to .02 cfs/ac) and 104 AFA. Historic consumptive use for 26 acres beets in Jerome County is approximately 80 AFA.

Because this transfer application proposes a change from irrigation to municipal use which is not consistent with the above policy, additional conditions must be placed on the approval to prevent enlargement of use under right 36-8111.

As you requested, following is a draft of the condition I am recommending be attached to right no. 36-8111:

"This right is limited to the irrigation of a specific 26 acres within the service area of the City of Jerome in a single irrigation season. The specific 26 acres to be irrigated by the right holder are shown in the electronic shape file

associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 26 acres to be irrigated within the City of Jerome service area, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur."

Please note that the shape file showing the specific locations of the 26 acres for the 2015 irrigation season will be required to be submitted prior to transfer approval. The service area of the City of Jerome will be the official or recorded pou for 36-8111. The 26-acre shape will be the seasonal place of use which may be subject to regulation.

With the above condition, I will recommend that the transfer be approved with total volume of 104 AFA and a season of use of 3/15 to 11/15.

Please coordinate with Jim Bitzenburg for submittals of your responses and any requested information. Please submit all information and electronic files within 30 days.

Thank you for your cooperation.

Cindy Yenter
Watermaster, Water District 130
Twin Falls, ID
cindy.yenter@idwr.idaho.gov
208-736-3033

RECEIVED

OCT 14 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION

Affidavit of Publication
STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

Janet Cranney
I, ~~Ruby Aufderheide~~, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 2nd day of October, 2014 and ending with the issue dated 9th day of October, 2014

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.

Janet Cranney
~~Ruby Aufderheide~~, Legal Clerk
Janet Cranney

STATE OF IDAHO
COUNTY OF TWIN FALLS

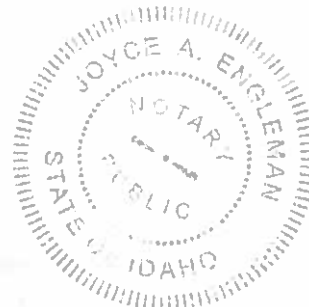
On this 9th day of October, 2014, before me,

a Notary Public, personally appeared ~~Ruby Aufderheide~~ Janet Cranney
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Joyce A. Engleman
Notary Public for Idaho
Residing at Twin Falls, Idaho. 6/28/19

My commission expires: _____

✓ OK DM
10/17/2014



**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78803**

✓ CITY OF JEROME, 152 E AVE A, JEROME, ID 83338, has filed Application No. 78803 for changes to the following water rights within JEROME County(s): Right No(s) 36-8111. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the place of use (POU), point of diversion (POD), and nature of use for irrigation water right 36-8111. Water right 36-8111 (0.56 cfs.) is currently appurtenant to 38.0 acres of ground located approximately 4.0 to 4.3 miles east, and 0.50 to 0.75 miles north of the intersection of State Highways 25 and 79 in Jerome (city center). Transfer will change POU from that location to the service area of the city of Jerome.

The application will change the POD from its current location, approximately 4.6 miles east and 0.28 miles north of Jerome, to five existing Jerome municipal wells located at the following approximate locations, from the center of Jerome: 1.76 miles east; 0.24 miles east and 0.63 miles north (2 PODs); 0.45 miles east and 0.11 miles south; and 1.66 miles south and 0.03 miles west.

In addition, the application seeks to change the nature of use from irrigation to municipal in order to replace irrigation occurring under the City's other municipal water rights. Although the application intends to change the nature of use to municipal, the purpose of the right will be for irrigation within the City service area.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79560**

✓ 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; has filed Application No. 79560 for changes to the following water rights within GOODING County (s): Right No(s) 36-7072. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the place of use and adding a mitigation component to a 10.0 cfs portion of a water right currently diverted from springs tributary to the Snake River and used at the SeaPac of Idaho hatchery located approximately 2.3 to 2.8 miles east and 4.1 to 4.6 miles south of Hagerman. The change in place of use consists of adding the Rangen fish facility, located approximately 2.2 to 2.5 miles east and 2.6 to 2.8 miles south of Hagerman, as an authorized place of use for fish propagation and mitigation use. The transfer would allow for up to 10.0 cfs of water currently used at the SeaPac of Idaho hatchery to remain at the hatchery &/or be delivered to the Rangen fish facility as proposed in the Fourth Mitigation Plan submitted by the Idaho Ground Water Appropriators in response to the Rangen water delivery call.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and the proposed transfers, please visit our website at www.idwr.idaho.gov and search under New Water Right Applications. 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 October 20, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
PUBLISH: October 2 and 9, 2014

✓ OK dm 10/17/2014