

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79916**

This is to certify that: **CITY OF GOODING**
308 5TH AVE W
GOODING, ID 83330

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-11221	WR/DECREED	4/20/1977	5.900 cfs	N/A	N/A	N/A	GROUND WATER
37-4080	WR/DECREED	9/28/1928	2.800 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

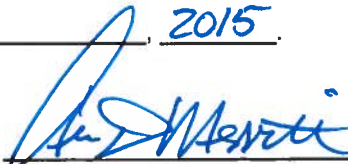
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-11221	NO	NO	NO	YES	NO	NO
37-4080	NO	NO	NO	YES	NO	NO

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>
37-11221	37-11221	5.900 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
37-4080	37-4080	2.800 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		7.050 cfs	N/A	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 20th day of May, 2015.



Southern Region Manager

SUPPORT DATA

IN FILE # 37-4080

Transfer No. 79916

WATER RIGHT NO. 37-4080

As Modified by Transfer No. 79916

In accordance with the approval of Transfer No. 79916, Water Right No. 37-4080 is now described as follows:

Right Holder: CITY OF GOODING
308 5TH AVE W
GOODING, ID 83330

Priority Date: 9/28/1928

Source: GROUND WATER

BENEFICIAL USE
MUNICIPAL

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

Diversion Rate
2.800 cfs
2.800 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 31 Twp 05S Rge 15E	GOODING County
GROUND WATER	SWNE	Sec 32 Twp 05S Rge 15E	GOODING County
GROUND WATER	SESW	Sec 32 Twp 05S Rge 15E	GOODING County
GROUND WATER	SWSW	Sec 32 Twp 05S Rge 15E	GOODING County
GROUND WATER	SWSW	Sec 5 Twp 06S Rge 15E	GOODING County
GROUND WATER	L1 (NENE)	Sec 6 Twp 06S Rge 15E	GOODING County
GROUND WATER	SENE	Sec 6 Twp 06S Rge 15E	GOODING County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Gooding municipal water supply system as provided for under Idaho Law.
2. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
3. The point of diversion located in the SWNE S32, T5S, R15E is limited to a maximum diversion rate of 5.00 cfs.
4. Rights 37-4080 and 37-11221 when combined shall not exceed a total diversion rate of 7.05 cfs.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. 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.
7. Prior to diversion and use of water under Transfer approval 78928, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.

Transfer No. 79916

WATER RIGHT NO. 37-4080

As Modified by Transfer No. 79916

CONDITIONS OF APPROVAL

8. 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.
9. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, this right retains its original priority for well locations authorized under this right as identified in decree dated 12/11/2002.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.

WATER RIGHT NO. 37-11221

As Modified by Transfer No. 79916

In accordance with the approval of Transfer No. 79916, Water Right No. 37-11221 is now described as follows:

Right Holder: CITY OF GOODING
308 5TH AVE W
GOODING, ID 83330

Priority Date: 4/20/1977

Source: GROUND WATER

BENEFICIAL USE
MUNICIPAL

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

Diversion Rate
5.900 cfs
5.900 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 31 Twp 05S Rge 15E	GOODING County
GROUND WATER	SWNE	Sec 32 Twp 05S Rge 15E	GOODING County
GROUND WATER	SESW	Sec 32 Twp 05S Rge 15E	GOODING County
GROUND WATER	SWSW	Sec 32 Twp 05S Rge 15E	GOODING County
GROUND WATER	SWSW	Sec 5 Twp 06S Rge 15E	GOODING County
GROUND WATER	L1 (NENE)	Sec 6 Twp 06S Rge 15E	GOODING County
GROUND WATER	SENE	Sec 6 Twp 06S Rge 15E	GOODING County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Gooding municipal water supply system as provided for under Idaho Law.
2. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
3. The point of diversion located in the SWNE S32, T5S, R15E is limited to a maximum diversion rate of 5.00 cfs.
4. Rights 37-4080 and 37-11221 when combined shall not exceed a total diversion rate of 7.05 cfs.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. 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.
7. Prior to diversion and use of water under Transfer approval 78928, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.

Transfer No. 79916

WATER RIGHT NO. 37-11221

As Modified by Transfer No. 79916

CONDITIONS OF APPROVAL

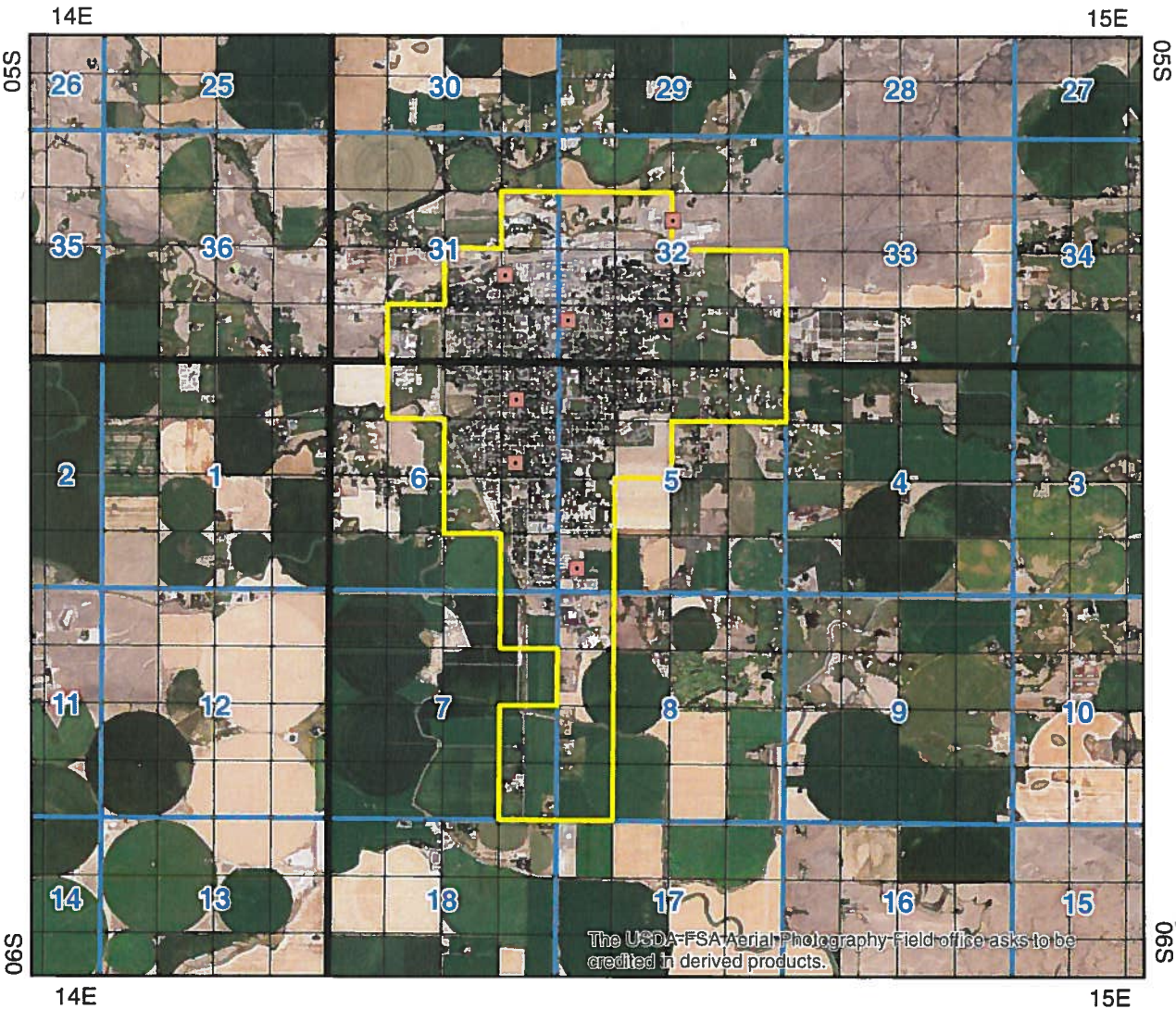
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, this right retains its original priority for well locations authorized under this right as identified in decree dated 12/11/2002.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.

City Of Gooding

Attachment To Transfer No. 79916

Rights: 37-4080 and 37-11221

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.



- 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

May 21, 2015

CITY OF GOODING
308 5TH AVE W
GOODING ID 83330

Re: Transfer No: 79916
Water Right No(s): 37-4080, 37-11221

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", with a stylized flourish at the end.

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

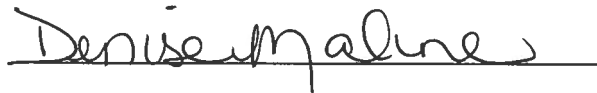
CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 79916
Water Right No(s): 37-4080, 37-11221

CITY OF GOODING
308 5TH AVE W
GOODING ID 83330

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

A handwritten signature in cursive script, reading "Denise Maline", is written over a 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 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 21, 2015

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

Hand-delivered

Re: **APPROVED Transfer No. 79916 (City of Gooding)**
Re: **APPROVED Amendment of Permit No. 37-22850 (City of Gooding)**

Dear Ms. Yenter:

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

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

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant

Enclosure

RECEIVED

APR 27 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

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

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twins 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 16th day of April, 2015 and ending with the issue dated 23rd day of April, 2015

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 uninterrupted.

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.

Ruby Aufderheide
Ruby Aufderheide, Legal Clerk

STATE OF IDAHO
COUNTY OF TWIN FALLS

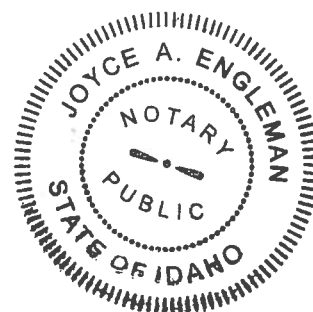
On this 23rd day of April, 2015, before me,
Joyce Engleman
a Notary Public, personally appeared Ruby Aufderheide,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Joyce A. Engleman
Notary Public for Idaho
Residing at Twin Falls, Idaho.

6/28/19

My commision expires: _____

✓ OK DM
4-29-2015



✓ The following application(s) have been filed to Amend Permit to
Appropriate Water

37-22850

CITY OF GOODING

308 5TH AVE W

GOODING, ID 83330

New Point of Diversion SWNE S32 T05S R15E GOODING
County Source GROUND WATER Tributary

Along with 6 other currently authorized Points of Diversion

Use: MUNICIPAL 03/15 to 11/15 7.21 CFS 1846 AF

Total Diversion: 7.21 CFS 1846 AF

Date Filed: 3/9/2015

Place Of Use: MUNICIPAL

Place of Use is within City of Gooding service area

✓ Application filed to add a new well to be drilled as an authorized
point of diversion for the City of Gooding's municipal
groundwater permit, 37-22850. The new well will be located
near the northeast corner of the City of Gooding (within the
SWNE of Section 32).

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79916**

CITY OF GOODING, 308 5TH AVE W, GOODING, ID 83330;
has filed Application No. 79916 for changes to the following
water rights within GOODING County(s): Right No(s). 37-
11221, 37-4080. The purpose of the transfer is to change a
portion of the above rights as follows: Application filed to add a
new well to be drilled as an authorized point of diversion for the
City of Gooding's municipal groundwater rights. The new well
will be located near the northeast corner of the City of Gooding
(within the SWNE of Section 32). The new well will be limited to
a diversion rate of no more than 5.0 cfs.

Permits will be subject to all prior water rights. For additional
information concerning the property locations, contact Southern
Region office at (208) 736-3033; or for a full description of the
proposed transfer, please see
www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. For additional information concerning the
amendment of permit, 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 May 4, 2015. The protestant must also send a copy
of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: April 16th & 23rd, 2015

✓ OK PM 4-29-2015

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: 79916
Water Right No: 37-4080 et al
Applicant Name: City of Gooding

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: April 20, 2015

Water District 130



Cindy J Yenter, Watermaster