

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79596**

This is to certify that: **CITY OF KIMBERLY
PO BOX Z
KIMBERLY, ID 83341**

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>
47-4459	WR/DECREED	3/18/1959	2.000 cfs	N/A	N/A	N/A	GROUND WATER
47-4460	WR/DECREED	2/1/1951	1.020 cfs	N/A	N/A	N/A	GROUND WATER
47-7306	WR/DECREED	8/14/1969	0.620 cfs	N/A	N/A	N/A	GROUND WATER
47-7649	WR/DECREED	6/18/1980	1.920 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

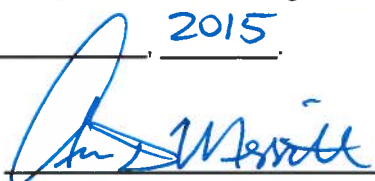
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
47-4459	NO	NO	NO	YES	NO	NO
47-4460	NO	NO	NO	YES	NO	NO
47-7306	NO	NO	NO	YES	NO	NO
47-7649	NO	NO	NO	YES	NO	NO

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>
47-4459	47-4459	2.000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
47-4460	47-4460	1.020 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
47-7306	47-7306	0.620 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
47-7649	47-7649	1.920 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		5.560 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 April, 2015.


Southern Region Manager

Transfer No. 79596

SUPPORT DATA
IN FILE # 47-4459

WATER RIGHT NO. 47-7306

As Modified by Transfer No. 79596

In accordance with the approval of Transfer No. 79596, Water Right No. 47-7306 is now described as follows:

Right Holder: CITY OF KIMBERLY
PO BOX Z
KIMBERLY, ID 83341

Priority Date: 8/14/1969

Source: GROUND WATER

BENEFICIAL USE
MUNICIPAL

From 1/01 **To** 12/31

Diversion Rate
0.620 cfs
0.620 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 20 Twp 10S Rge 18E	TWIN FALLS County
GROUND WATER	SWSW	Sec 21 Twp 10S Rge 18E	TWIN FALLS County
GROUND WATER	SWSW	Sec 21 Twp 10S Rge 18E	TWIN FALLS County
GROUND WATER	SWSENW	Sec 28 Twp 10S Rge 18E	TWIN FALLS County
GROUND WATER	NESWNW	Sec 28 Twp 10S Rge 18E	TWIN FALLS County
GROUND WATER	NWSWNW	Sec 28 Twp 10S Rge 18E	TWIN FALLS County
GROUND WATER	SWNENE	Sec 29 Twp 10S Rge 18E	TWIN FALLS County

CONDITIONS OF APPROVAL

1. 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.
2. Rights 47-4459, 47-4460, 47-7306, 47-7649, 47-8091, 47-8377 and 47-17435 when combined shall not exceed a total diversion rate of 11.27 cfs.
3. Place of use is within the service area of the City of Kimberly municipal water supply system as provided for under Idaho Law.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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. 47-7306

As Modified by Transfer No. 79596

CONDITIONS OF APPROVAL

7. 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.



WATER RIGHT NO. 47-7649

As Modified by Transfer No. 79596

CONDITIONS OF APPROVAL

7. 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.



WATER RIGHT NO. 47-4459

As Modified by Transfer No. 79596

In accordance with the approval of Transfer No. 79596, Water Right No. 47-4459 is now described as follows:

Right Holder: CITY OF KIMBERLY
PO BOX Z
KIMBERLY, ID 83341

Priority Date: 3/19/1959

Source: GROUND WATER

BENEFICIAL USE
MUNICIPAL

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

Diversion Rate
2.000 cfs
2.000 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 20 Twp 10S Rge 18E	TWIN FALLS County
GROUND WATER	SWSW	Sec 21 Twp 10S Rge 18E	TWIN FALLS County
GROUND WATER	SWSW	Sec 21 Twp 10S Rge 18E	TWIN FALLS County
GROUND WATER	SWSENE	Sec 28 Twp 10S Rge 18E	TWIN FALLS County
GROUND WATER	NESWNW	Sec 28 Twp 10S Rge 18E	TWIN FALLS County
GROUND WATER	NWSWNW	Sec 28 Twp 10S Rge 18E	TWIN FALLS County
GROUND WATER	SWNE	Sec 29 Twp 10S Rge 18E	TWIN FALLS County

CONDITIONS OF APPROVAL

1. 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.
2. Rights 47-4459, 47-4460, 47-7306, 47-7649, 47-8091, 47-8377 and 47-17435 when combined shall not exceed a total diversion rate of 11.27 cfs.
3. Place of use is within the service area of the City of Kimberly municipal water supply system as provided for under Idaho Law.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

WATER RIGHT NO. 47-4459
As Modified by Transfer No. 79596

CONDITIONS OF APPROVAL

7. 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.



WATER RIGHT NO. 47-4460

As Modified by Transfer No. 79596

In accordance with the approval of Transfer No. 79596, Water Right No. 47-4460 is now described as follows:

Right Holder: CITY OF KIMBERLY
PO BOX Z
KIMBERLY, ID 83341

Priority Date: 2/1/1951

Source: GROUND WATER

BENEFICIAL USE
MUNICIPAL

From 1/01 to **To** 12/31

Diversion Rate
1.020 cfs
1.020 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 20 Twp 10S Rge 18E	TWIN FALLS County
GROUND WATER	SWSW	Sec 21 Twp 10S Rge 18E	TWIN FALLS County
GROUND WATER	SWSW	Sec 21 Twp 10S Rge 18E	TWIN FALLS County
GROUND WATER	SWSENW	Sec 28 Twp 10S Rge 18E	TWIN FALLS County
GROUND WATER	NESWNW	Sec 28 Twp 10S Rge 18E	TWIN FALLS County
GROUND WATER	NWSWNW	Sec 28 Twp 10S Rge 18E	TWIN FALLS County
GROUND WATER	SWNENE	Sec 29 Twp 10S Rge 18E	TWIN FALLS County

CONDITIONS OF APPROVAL

1. 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.
2. Rights 47-4459, 47-4460, 47-7306, 47-7649, 47-8091, 47-8377 and 47-17435 when combined shall not exceed a total diversion rate of 11.27 cfs.
3. Place of use is within the service area of the City of Kimberly municipal water supply system as provided for under Idaho Law.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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.

Transfer No. 79596

WATER RIGHT NO. 47-4460

As Modified by Transfer No. 79596

CONDITIONS OF APPROVAL

7. 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.

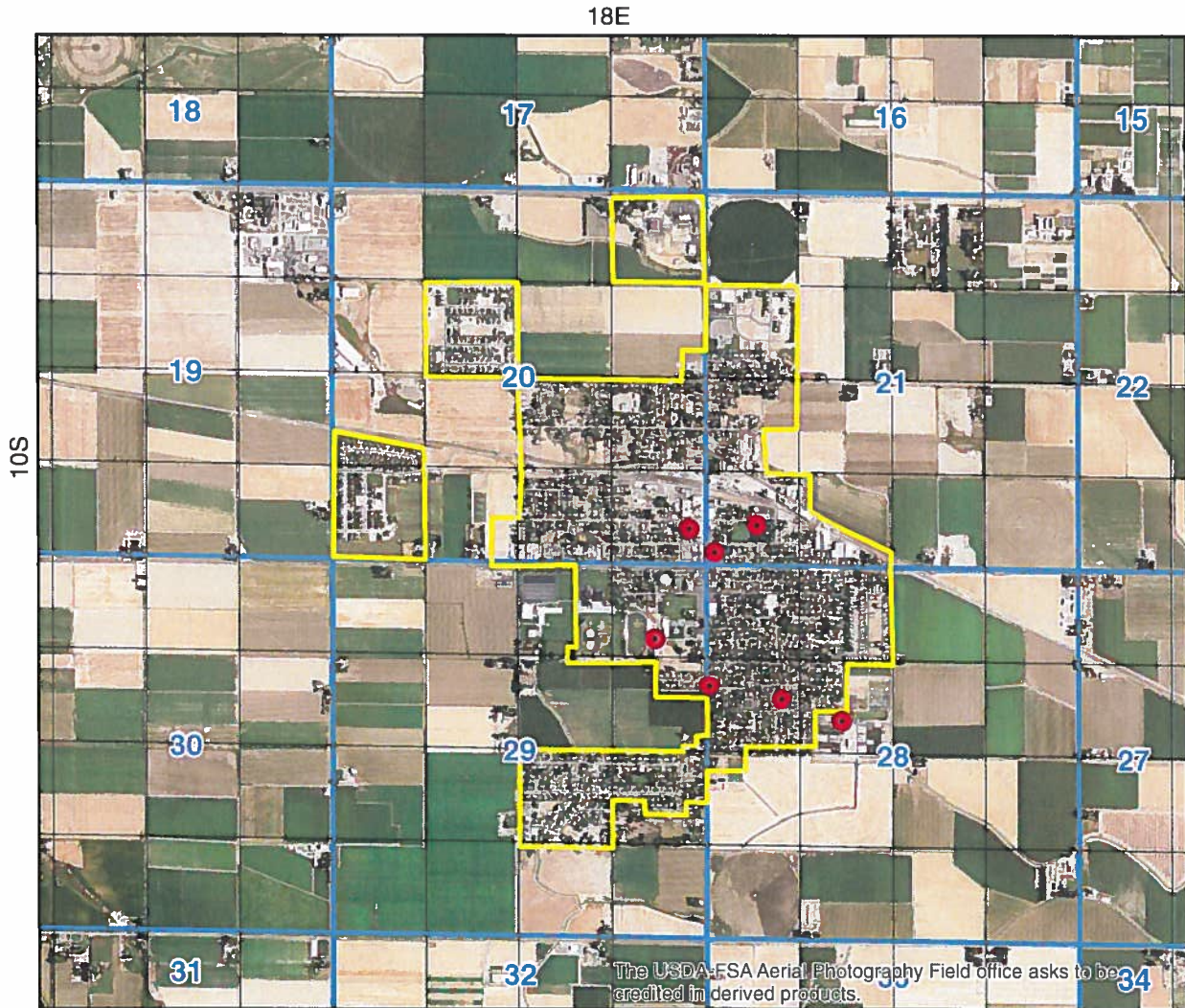


City Of Kimberly

Attachment To Transfer No. 79596

Rights: 47-4459, 47-4460, 47-7306 and 47-7649

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 0.3 0.6 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

April 21, 2015

CITY OF KIMBERLY
PO BOX Z
KIMBERLY ID 83341

Re: Transfer No: 79596
Water Right No(s): 47-4459, 47-4460, 47-7306, 47-7649

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

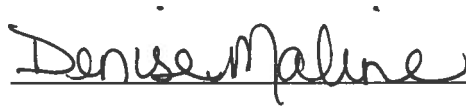
CERTIFICATE OF SERVICE

I hereby certify that on April 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.: 79596

Water Right No(s): 47-4459, 47-4460, 47-7306, 47-7649

**CITY OF KIMBERLY
PO BOX Z
KIMBERLY ID 83341**

A handwritten signature in cursive script, 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.

RECEIVED

MAR 16 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 5th day of March, 2015 and ending with the issue dated 12th day of March, 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 uninterruptedly.

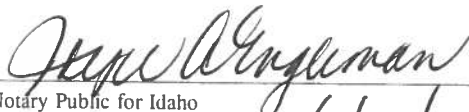
And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will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


Ruby Aufderheide, Legal Clerk

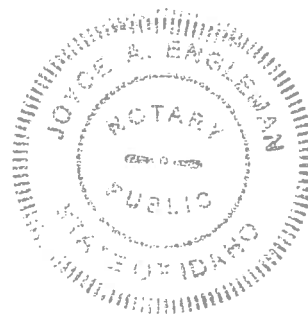
STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 12th day of March, 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.


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

My commission expires: _____



The following application(s) have been filed to appropriate the public waters of the State of Idaho:

43-13740

STATE OF IDAHO

DEPT OF PARKS & RECREATION

PO BOX 83720

BOISE, ID 83720-0065

Point of Diversion NENE S16 T15S R24E CASSIA County Source
GROUND WATER Tributary

Point of Diversion SESESW S9 T15S R24E CASSIA County
Source ALMO CREEK Tributary RAFT RIVER

Use: AESTHETIC 03/15 to 11/15 3 CFS

Use: AESTHETIC STORAGE 01/01 to 12/31 17.4 AF

Use: RECREATION 03/15 to 11/15 3 CFS

Use: RECREATION STORAGE 01/01 to 12/31 17.4 AF

Use: WILDLIFE 03/15 to 11/15 3 CFS

Use: WILDLIFE STORAGE 01/01 to 12/31 17.4 AF

Total Diversion: 3 CFS 17.4 AF

Date Filed: 2/24/2015

Place Of Use: RECREATION, AESTHETIC, WILDLIFE,
RECREATION STORAGE, AESTHETIC STORAGE, WILDLIFE
STORAGE

T15S R24E S16 NENE

Application filed to appropriate water for a proposed fishing and wildlife pond located on Castle Rocks State Park property approximately 1.8 miles north and 0.95 miles west of Almo. The pond will be excavated into the ground water table and irrigation water diverted via Almo Water Company shares will flow through the pond. The application seeks to appropriate 17.4 acre-feet of water for storage in the pond and to make up for annual evaporative losses. The application also lists 3.0 cfs of water from Almo Creek to reflect the additional aesthetic, recreation, and wildlife uses of the Almo Water Company shares flowing through the pond. A mitigation plan that involves drying up irrigated lands to offset consumptive uses associated with the pond has been included as part of the application.

1-10633

A & B IRRIGATION DISTRICT

PO BOX 675

RUPERT, ID 83350-0675

Point of Diversion NENW S20 T10S R22E MINIDOKA County

Source SNAKE RIVER Tributary COLUMBIA RIVER

Use: IRRIGATION 03/15 to 11/15 30 CFS

Total Diversion: 30 CFS

Date Filed: 2/11/2015

Place Of Use: IRRIGATION

T09S R22E S1 SWSW

T09S R22E S2 SESW SESE

T09S R22E S10 NENE SWNE NENW SWSE SESE

T09S R22E S11 NENE NWNW SENW SWSW NWSE

T09S R22E S12 SENW NWSW

T09S R22E S15 NE(ALL) NENW L2(SENW) SW(ALL) NESE
NWSE

T09S R22E S28 SESW NWSE SESE

Total Acres: 1478.5

Application proposes diverting up to 30 cfs from the Snake River, upstream from Milner Dam, at a point located approximately 6.2 miles west and 4.0 miles south of Paul. Water will be used for irrigation of 1478.5 acres of land located approximately 1.8 - 5.1 miles west and 0.0 to 4.2 miles north of the center of Paul. The 1478.5 acres is currently irrigated with groundwater and the 30 cfs will be used when available as a "soft conversion" in lieu of diverting groundwater. Groundwater rights will continue to be utilized on the 1478.5 acres when the 30 cfs is not available. Published in the Times News, Idaho Statesman, Post Register & Lewiston Tribune on March 5th & 12th, 2015.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79596

CITY OF KIMBERLY, PO BOX Z, KIMBERLY, ID 83341, has filed Application No. 79596 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-4459, 47-4460, 47-7306, 47-7649; allowing for the total diversion of 5.56 cfs. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to add all seven of the city's existing municipal wells as authorized points of diversion to the City of Kimberly's groundwater rights 47-4459, 47-4460, 47-7306 and 47-7649. The wells are within the City of Kimberly's service area.

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 rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. For additional information on new permits, 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 Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. 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 March 23, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on March 5th & 12th, 2015

✓ OK DM
3/18/2015