

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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OCT 28 2014

Transfer No. 79614

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Name of Applicant(s) OAKLEY VALLEY WATER CO

Check whether each item below is attached (Yes) or not applicable (N/A) for the proposed transfer.

Yes N/A *Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☒ ☐ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☒ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant OAKLEY VALLEY WATER CO Phone (208)862-3346
Mailing Address PO BOX 201, OAKLEY ID 83346 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative ARKOOSH LAW OFFICES Phone (208)934-8872
Mailing Address 301 MAIN ST
PO BOX 32, GOODING ID 83330 Email _____

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☐ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Douglas K. Cranney - President
Print Name and Title if applicable

10-22-14
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	45-4273	No	Yes	No	No	No	No

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2

- B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
45-4273	0.450 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED TOTALS	0.450 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 0.45 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

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Application For Transfer Of Water Right

PART 1

Part 1A.2

The Oakley Valley Water Company is applying for a transfer of a water right from two existing wells, one of which had been previously utilized by Oakley Valley Water Company. Due to its shallow depth and the declining water table in the Oakley Valley, the well pumped out and was abandoned. This wells' location is described as the SW1/4 SW1/4 SW1/4 Section 20 13S Rge 22E Cassia County. The water at this location was previously transferred to a new site at SWSWNE Sec.29 Twp 13 S Rge 22E .

Due to complications with water quality issues , it was determined that we would be unable to utilize this water. This is the reason for a transfer to this site at SESW Sec. 20 Twp 13S Rge 22E

We are currently using a well located at SWSWSW Sec. 21 Twp 13S Rge22E

The amount of water allowed to pump will be a combination of these two wells.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

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Proposed Water Right No. 45-4273

Current Water Right Owner
OAKLEY VALLEY
WATER CO
PO BOX 201
OAKLEY, ID 83346

Priority Date: 2/12/1954

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
MUNICIPAL	01/01	12/31	0.450 CFS	
Total Diversion			0.450 CFS	

Source and Point(s) of Diversion:

GROUND WATER	SESW	Sec. 20 Twp 13S Rge 22E	CASSIA County
GROUND WATER	SWSWSW	Sec. 21 Twp 13S Rge 22E	CASSIA County

Place of Use: A map depicting the place of use is attached to illustrate the place of use described by a digital boundary.

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. 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

- b. Who owns the property at the point(s) of diversion

MARK HILSCHER

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

SEE ATTACHMENT

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

No, ☒ If Yes, ☐

Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

NA

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

N.A

- f. 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 leased to the Water Supply Bank,

currently used in a mitigation plan limiting the use of water under the right, or

currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

Application For Transfer Of Water Right

Part 1.

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5. General Information:

a. The well will be in close proximity to an existing storage tank and pump house. A vault will be placed in the ground adjacent to the well that will contain the piping and necessary measuring devices and any other needed equipment. It will be a lockable and will provide access for maintenance and control of the system.

b. Mark Hillscher is the current property owner. OAKLEY Valley Water Company has a Renewable 99 year lease on the site that a water storage tank and pump house containing a pump and equipment exists. Water is pumped from another well site to this location. This well and equipment is accessible to OVWC for maintenance, repairs and operation granted to the lessee in the lease agreement.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

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Current Water Right No. 45-4273

Current Water Right Owner
OAKLEY VALLEY
WATER CO
PO BOX 201
OAKLEY, ID 83346

Priority Date: 2/12/1954

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
MUNICIPAL	01/01	12/31	0.450 CFS	
Total Diversion			0.450 CFS	

Source and Point(s) of Diversion:

GROUND WATER	SWSWSW	Sec. 20 Twp 13S Rge 22E	CASSIA County
GROUND WATER	SWSWSW	Sec. 21 Twp 13S Rge 22E	CASSIA County
GROUND WATER	SWSWNE	Sec. 29 Twp 13S Rge 22E	CASSIA County

Place of Use: Place of use is described by a digital boundary.

Conditions/Remarks:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. Place of use is within the area served by Oakley Valley Water Company.
3. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
4. 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.140.
5. 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.
6. 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.
7. Prior to the diversion and use of water under Transfer approval 78107, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

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Conditions/Remarks:

10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

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- A. ~~PLAY~~MAP** (See Part 3A of Instructions for application for transfer for complete requirements)

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Transfer #79614
Oakley Valley Water Company
Water Right 45-4273

DEPT. OF WATER RESOURCES
SOUTHERN REGION



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AUG 11 1992

Department of Water Resources

LEASE AGREEMENT

This agreement made by and between W. GARY WHITELEY and EILEENE WHITELEY, husband and wife, of Route 1, Oakley, Cassia County, Idaho, hereinafter designated as the "Landlord", and MARION PIPE LINE COMPANY, a corporation of the State of Idaho, of c/o Douglas Cranney, Route 1, Oakley, Cassia County, Idaho, hereinafter designated as the "Tenant", witnesses as follows:

1. Premises. In consideration of the below-mentioned expenses to be paid and covenants to be performed by the Tenant, all as hereinafter provided, Landlord hereby leases to Tenant and Tenant hereby leases from Landlord those certain Premises (the "Premises") situated in the County of Cassia, State of Idaho, more particularly described in Exhibit A attached hereto and incorporated herein by reference.

2. Term. The term of this lease shall be for a period of ninety-nine (99) years commencing August 1, 1992, and ending July 31, 2091.

3. Rent. For the occupancy and use of the real estate as herein described Tenant agrees to pay Landlord, his heirs or assigns, an annual rent of One Dollar (\$1.00). This rent shall be due and payable by December 31st of each year.

4. Tenant's Covenants. The Tenant covenants with the Landlord as follows:

(a) Rent. To pay to Landlord as rent for the said premises those costs or expenses as specified above, in the manner and time aforesaid.

(b) Use. To use the premises solely for the purpose of

storing and purifying water and applying the same to those uses as authorized in the Articles of Incorporation of Marion Pipe Line Company.

(c) Required Improvements. At its own cost to erect and install upon the demised premises a water settling and purifying facility in compliance with regulations of the Idaho State Department of Health and Welfare.

(d) Debts and Assessments. To bear, pay, and discharge all existing and future taxes, assessments, duties, impositions, and burdens whatsoever assessed, charged, or imposed, whether by the nation, state, county or any other public authority, upon the Premises or any erections thereon, or upon the owner or occupier in respect thereof, or payable by either in respect thereof, and upon request to deliver to the Landlord receipts and other evidence of the payment and discharge of the same.

(e) Assumption of Risk. To assume the risk of loss or damage to any improvements installed or otherwise placed upon the premises by the Landlord. Neither party shall be responsible to the other for keeping any buildings or improvements insured against loss or damage, but may acquire and maintain such insurance as desirable.

(f) Maintenance. To keep the Premises and the said facility in good condition and repair.

(g) Lawful Use. Not to make or suffer any use of the Premises contrary to any law, regulation or ordinance now or hereafter in force. Tenant specifically agrees to abide by all regulations and directives of the Idaho State Department of Health

and Welfare and to assume all responsibility for such compliance.

(h) Indemnification. To indemnify and hold the Landlord and the property of the Landlord, including the premises, free and harmless from any and all claims, liability, loss, damage, or expense resulting from the occupation and use of the premises by the Tenant.

5. Landlord's Covenants. The Landlord hereby covenants with the Tenant as follows:

(a) Quiet and Peaceful Possession. That the Tenant shall and will quietly and peaceably possess and enjoy the Premises during the full term of this lease, unless the lease be sooner terminated under and in accordance with any of the provisions herein contained, providing for such termination;

(b) Avoid Regulatory Conflicts. To avoid any activities on the premises which would render Tenant or the Premises in conflict with any section or provision of Title 1, Chapter 8, Idaho Regulations for Public Drinking Water Systems, as presently constituted or as may be promulgated in the future, or with any other federal or state law, regulation or ordinance which directly or indirectly relates to the authorized use of the Premises by Tenant.

6. Waiver. The waiver of any breach of any of the provisions of this lease shall not constitute a continuing waiver or a waiver of any subsequent breach either of the same or of another provision of this lease.

7. Default. All covenants and agreements contained in this lease are declared to be conditions to the lease and to the term hereby demised to the Tenant. Should the Tenant default in the

performance of any covenant, condition, or agreement contained in this lease, Landlord may terminate this lease and re-enter and regain possession of the premises, provided, however, that prior to such re-entry the Landlord shall give to the Tenant thirty (30) days written notice of the claimed default and if a default exists the Tenant shall have such thirty (30) days within which to cure and correct the same and restore the lease to its full force and effect as though the default had not occurred.

8. Abandonment. Should the Tenant abandon the premises prior to natural termination, the Landlord may terminate this lease.

9. Removal of Buildings, Structures and Fixtures. It is agreed that settling tanks, fences, pipes, purification facilities, electrical structures, and other fixtures, and all personal property erected in said leased premises by the Tenant may be removed by the Tenant at the termination of this lease, or at any time prior to the termination of this lease, even though the same may be attached to the premises: Provided, that the removal of any such property shall be effected before thirty days after the expiration of said term, or any extension thereof, and all damage caused to said premises by such removal shall be repaired by the Tenant on or before the expiration of said term, or within thirty days thereof.

10. Transfer of Water Right Upon Termination of Lease. It is agreed that the Landlord shall claim no right, title, or interest in any water which Tenant shall transfer to and divert from the Premises, and Tenant may, if it so desires, apply to the Department of Water Resources, State of Idaho, for a transfer of water right at

the termination of this lease or at any time before or after this lease without becoming liable in any way to the Landlord.

11. Parties in Interest. All the terms and provisions of this agreement shall be binding upon and inure to the benefit of and be enforceable by the respective heirs, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have entered this agreement this 29th day of July, 1992.

Lessor:

W. Gary Whiteley
W. Gary Whiteley

Eileene Whiteley
Eileene Whiteley

Lessee: MARION PIPE LINE COMPANY

By

Doug Cranney
President

Jean Ransom
Attest: Secretary

STATE OF IDAHO)
) ss
County of Cassia)

On this 5th day of August, in the year 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared W. GARY WHITELEY and EILEENE WHITELEY, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(SEAL)

Shelma L. Clark
Notary Public for Idaho
Residing at Oakley, Idaho
83346

STATE OF IDAHO)
) ss
County of Cassia)

On this 5th day of August, 1987, before me, the undersigned, a Notary Public said State, personally appeared DOUGLAS CRANNEY and JEAN RANSOM, known to me to be the President and Secretary of the MARION PIPE LINE COMPANY, the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(SEAL)

Shelma L. Clark
Notary Public for Idaho
Residing at Oakley, Idaho
83346

EXHIBIT A

Part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20 of Township 13 South, Range 22 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the South $\frac{1}{4}$ section corner of Section 20 of T.13S., R.22 E., B.M. said corner marked by a 5/8" rebar;
Thence N 89°14'45" W along section line for 44.57 feet to a $\frac{1}{2}$ " rebar which shall be the Point of Beginning;

Thence N 89°14'45" W along section line for 64.85 feet to a $\frac{1}{2}$ " rebar;
Thence N 1°27'35" E for 65.00 feet to a $\frac{1}{2}$ " rebar;
Thence S 89°14'45" E for 40.00 feet to a $\frac{1}{2}$ " rebar;
Thence S 1°27'35" W for 65.00 feet to the Point of Beginning.

Contains 0.06 acre more or less and is subject to a 25 foot wide county road right of way along the south side.

No. C 85181	Due no later than Nov 30, 2014 Annual Report Form		2. Registered Agent and Address (NO PO BOX)
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. OAKLEY VALLEY WATER COMPANY KARLA ROBINSON PO BOX 201 OAKLEY ID 83346	KARLA ROBINSON 1496 S 500 W OAKLEY 83346	
		3. <u>New</u> Registered Agent Signature:*	
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).			
Office Held	Name	Street or PO Address	City State Country Postal Code
DIRECTOR	BEN NELSON	P O BOX 201	OAKLEY ID USA 83346
DIRECTOR	EUGENE MATTHEWS	P O BOX 201	OAKLEY ID USA 83346
DIRECTOR	RANDY HARDY	P O BOX 201	OAKLEY ID USA 83346
TREASURER	KARLA ROBINSON	P O BOX 201	OAKLEY ID USA 83346
SECRETARY	DOUG PICKETT	P O BOX 201	OAKLEY ID USA 83346
PRESIDENT	DOUG CRANNEY	P O BOX 201	OAKLEY ID USA 83346
5. Organized Under the Laws of: ID C 85181		6. Annual Report must be signed.* Signature: Karla Robinson Name (type or print): Karla Robinson Date: 10/08/2014 Title: Treasurer	
Processed 10/08/2014		* Electronically provided signatures are accepted as original signatures.	

TRANSFER 79614

I, Mark Hilscher, do hereby grant to Oakley Valley Water Company permission to drill a well on property owned by me and leased to Oakley Valley Water Company under terms of a Renewable 99 year lease agreement.

The location of the well site is;

The SE 1/4 of SW1/4 of Section 20 Twp 13S Rge 22E Cassia County at 1800 S 550 W Oakley, Idaho.

This well will be owned and operated by Oakley Valley Water Company to provide culinary water to its shareholders.

Mark B Hilscher Mark Hilscher
10/28/14 Date

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DEPT OF WATER RESOURCES
SOUTHERN REGION

TRANSFER 79614



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

November 13, 2014

OAKLEY VALLEY WATER CO
PO BOX 201
OAKLEY, ID 83346

RE: Transfer No. 79614
Water Right No(s). 45-4273

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 11/20/2014 and 11/27/2014**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**December 8, 2014**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in black ink that reads "Denise Maline".

Denise Maline
Administrative Assistant

cc:

ARKOOSH LAW OFFICES
301 MAIN ST, PO BOX 32
GOODING, ID 83330

Maline, Denise

From: Maline, Denise
Sent: Thursday, November 13, 2014 11:11 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.doc

Attached please find (1) legal notice being submitted for publication on November 20th & 27th, 2014. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



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

November 13, 2014

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Transfer No. 79614
Water Right No(s): 45-4273

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before December 8, 2014. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79614**

OAKLEY VALLEY WATER CO, PO BOX 201, OAKLEY, ID 83346; has filed Application No. 79614 for changes to the following water rights within CASSIA County(s): Right No(s). 45-4273; to see a full description of these rights and the proposed transfer, please see

www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change points of diversion (POD) for water right 45-4273 (municipal, 0.45 cfs), by removing two wells, located 1.5 miles north and 0.9 miles west; and 2.0 miles north and 1.48 miles west of the intersection of State Highway 27 and Main Street in Oakley, from the water right. A new well replacing those two wells will be drilled 2.0 miles north and 1.02 miles west of Oakley, and will join an existing well, located 2.0 miles north and 0.8 miles west of Oakley, in providing water for municipal purposes within the Oakley Valley Water Company service area, located near Oakley.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. 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 December 8, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on November 20th & 27th, 2014

Maline, Denise

From: Maline, Denise
Sent: Thursday, November 13, 2014 12:36 PM
To: 'Brian Higgs'
Subject: Comment Letter for transfer 79614
Attachments: Comment Letter to WM140 for 79614.docx; Transfer 79614.pdf

Good afternoon Brian,

Attached please find a cover letter & recommendation form; along with a copy of application for transfer #79614 in the name of Oakley Valley Water Co. Please review the information and comment as necessary within 21 days. Also, please feel free to contact our office if you have any questions.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 13, 2014

BRIAN HIGGS
WATER DISTRICT #140
355 W 500 S
BURLEY, ID 83318

Via e-mail

RE: Transfer No. 79614
Water Right No(s). 45-4273

Dear Mr. Higgs:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

MEMORANDUM

Date: November 10, 2014
To: Transfer 79614 File
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application proposes to change points of diversion (POD) for water right 45-4273 (municipal, 0.45 cfs), by removing two wells, located 1.5 miles north and 0.9 miles west; and 2.0 miles north and 1.48 miles west of the intersection of State Highway 27 and Main Street in Oakley, from the water right. A new well replacing those two wells will be drilled 2.0 miles north and 1.02 miles west of Oakley, and will join an existing well, located 2.0 miles north and 0.8 miles west of Oakley, in providing water for municipal purposes within the Oakley Valley Water Company service area, located near Oakley.

Proposed changes occur within the ESPA, Oakley-Kenyon CGWA, Trust Water Area, and Water District 140, so it is recommended that this application goes through a public notice and protest period.

- **Authority to File:**
The Department's database indicates that water right 45-4273 is owned by the applicant, Oakley Valley Water Company. The application was signed by Doug Cranney, president of the OVWC. The current property owner at the proposed POD, Mark Hilscher, has agreed to supply a written document granting consent to the placement of the new well.
- **Water Right Validity:**
Right 45-4273 was partially decreed in the SRBA in June of 2006. The applicant indicates that the OVWC has continually supplied water to homes within its municipal boundary area so it appears forfeiture is not an issue. In addition, application will be reviewed by the Water Master for WD-140.
- **Injury to Other Water Rights:**
None anticipated or foreseen.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated. Improved water supply is in the public interest.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated
- **Effect of the Agricultural Base of the Area:**
None Anticipated

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED

SEP 03 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION

650 Addison Avenue West, Suite 110 • Twin Falls, Idaho 83301 • (208) 736-2190
www.deq.idaho.gov

C.L. "Butch" Otter, Governor
Curt Fransen, Director

September 2, 2014

Mr. Doug Cranney
Oakley Valley Water Company
P.O. Box 201
Oakley, Idaho 83346

RE: "Plans and Specifications" Review, **Oakley Valley Water System - Well Number Three and Well House Installations Project (IDAPA Rules Waiver Previously Issued)**, Cassia Co.

Dear Doug:

Please be aware that Hailey Barnes, with EHM Engineers has submitted the above referenced design submittal, including project drawings and previously submitted IDAPA rules waiver package to this office for our review and comment.

This office has reviewed the design and we have the following comments:

- Sheet Number One. Water Notes. Note Four. General Comment. After reviewing the available project drawings and design notes, we respectfully request that an additional note be included which requires the installer to utilize low lead (< 0.25% lead by weight) compliant materials.
- Sheet Number One. Water Note Ten. General Comment. Please be aware if this note's intended purpose is to make the contractor aware that they are responsible for providing the final pump testing report to DEQ, then the note should also indicate the pump test and post well construction information must be sealed by an Idaho Licensed Professional Engineer or Professional Geologist prior to submittal to DEQ.
- Sheet Numbers One and Two. General Comment. After reviewing the presented construction notes, we respectfully request that additional technical specifications and related content be included in the design in order to ensure proper construction. Please also adequately detail the following items in the design:
 1. Biological, chemical and radiological results, pursuant to *IDAPA Section 58.01.08.510.05.e.i*. We are enclosing the new source monitoring guidance for your immediate use and future reference.
 2. Well casing requirements, pursuant to *IDAPA Section 58.01.08.510.03.a*. Please also detail casing thickness and weight per foot requirements in the design to ensure a suitable casing is utilized.

3. Downhole plumb and alignment requirements, pursuant to *IDAPA Section 58.01.08.510.03.c*. Please adequately detail alignment testing and tolerance allowances in the design for present and future reference.
 4. Source well record keeping and geological logging and data gathering, pursuant to *IDAPA Section 58.01.08.510.03.d*. Please better detail sampling, logging and record keeping requirements in the design in order to ensure adequate subsurface information is acquired.
 5. Well abandonment requirements should the source not produce a high quality or an adequate source supply, pursuant to *IDAPA Section 58.01.08.510.09*. Please specify by note should the source be abandoned that it be done in accordance with Idaho Department of Water Resource (IDWR) requirements.
- Sheet Number Two. Well house Drain Sump. General Comment. After reviewing the drawing, we respectfully request that the ground water source be illustrated as being thirty (30)-feet from the drain sump/dry well in order to ensure proper construction.
 - Sheet Number Three. Detail A – “*Well Detail*”. General Comment. After reviewing the design, we respectfully request that the design call out the need for permanent water leveling measuring equipment, pursuant to *IDAPA Section 58.01.08.511.06.c* and that the well vent / pitless adapter cap be equipped with a twenty-four (24)-mesh non-corrodible screen pursuant to *IDAPA Section 58.01.08.511.05.a*.
 - Sheet Number Three. Mechanical Vault. General Comment. As you are probably already aware, the design includes a subsurface well house facility. With this in mind, a well house is defined as a pump house under *IDAPA Section 58.01.08.511.07* and *IDAPA Section 58.01.08.541.01* states as follows:

“Unless otherwise approved by the Department based on documentation provided by the design engineer, pump house components shall be located above-grade. The following requirements apply to pump houses as defined in Section 003 unless it can be shown that some or all of these requirements are not needed to protect the combination of system components in a given structure.

b. Pump houses shall be protected from flooding and shall be adequately drained. The ground surface shall be graded so as to lead surface drainage away from the pump house. Unless otherwise approved by the Department based on documentation provided by the design engineer, the floor surface shall be at least six (6) inches above the final ground surface and pump house components shall be located at least six (6) inches above the floor surface.”

Pursuant to the aforementioned requirements, please modify the design to include an above ground well/pump house facility.
 - Sheet Number Three. Additional Well house Facility Appurtenances. General Comment. After reviewing the design, we respectfully request that the following systems and components be incorporated.

1. Heating and Ventilation systems, including inlet and exhaust fan louvered systems, pursuant to *IDAPA Sections 58.01.08.541.01, "d" & "e"*.
 2. Pressure relief valve be installed on well discharge manifold given the alternate connection with the distribution system, pursuant to *IDAPA Section 58.01.08.542.03*.
 3. Flow meter must be equipped with non-volatile memory pursuant to *IDAPA Section 58.01.08.04*. Please specify by note that the flow meter must be equipped with non-volatile memory.
- Source Water Right. General Comment. After reviewing the scope of the project and after reviewing the previously submitted preliminary engineering report, we recommend that the Idaho Department of Water Resources be contacted to determine whether a third well may be constructed without an additional water right as the existing system's average day demand of 288-gpm appears to be greater than the permitted water right of 269-gpm.
 - Previously Submitted and Approved Standby Power Waiver Package. General Comment. As you are already aware the previously submitted Randy Hardy domestic source to public source well conversion IDAPA drinking water rules waiver application was not implemented. Since the previously approved well house design purpose and scope is similar, it is my opinion that the existing IDAPA rules waiver approval would still be valid.

At this time, we respectfully request that two modified and amended water supply well house design submittals be submitted to this office for our review and approval prior to construction.

If you have any questions, please do not hesitate to contact this office at 736-2190.

Sincerely,



Brian A. Reed, PE
Technical Engineer I

BAR:gl

Enclosures: New Source Monitoring Guidance

cc: Hailey Barnes, PE, EHM Engineering, Twin Falls w/ enc.
Weston Hawkes, Oakley Valley Water System w/o enc.
Nathan Erickson, IDWR, Twin Falls w/o enc.
File: Oakley Valley Water System File w/ enc.

ec: Mike Brown, DEQ-Twin Falls Regional Office w/ enc.