

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 78273**

SUPPORT DATA

This is to certify that: **CITY OF MOUNTAIN HOME**  
**PO BOX 10**  
**MOUNTAIN HOME, ID 83647**

IN FILE # 61-2072

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> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 61-2072            | WR/DECREED          | 3/13/1931            | 2.000 cfs             | N/A                     | N/A               | N/A                | GROUND WATER  |
| 61-2167            | WR/DECREED          | 4/6/1964             | 1.970 cfs             | 628.0 af                | 157.0             | N/A                | GROUND WATER  |
| 61-2170            | WR/DECREED          | 5/27/1964            | 9.640 cfs             | N/A                     | N/A               | N/A                | GROUND WATER  |
| 61-2188            | WR/DECREED          | 2/17/1966            | 2.660 cfs             | 593.7 af                | 133.2             | 260.0              | GROUND WATER  |
| 61-2210            | WR/DECREED          | 9/30/1966            | 5.350 cfs             | 1172.0 af               | 293.0             | N/A                | GROUND WATER  |
| 61-7151            | WR/DECREED          | 4/9/1973             | 1.140 cfs             | 400.0 af                | 100.0             | 260.0              | GROUND WATER  |
| 61-7172F           | WR/DECREED          | 11/19/1973           | 2.810 cfs             | 885.3 af                | N/A               | 221.0              | GROUND WATER  |
| 61-7184            | WR/DECREED          | 4/22/1974            | 4.350 cfs             | N/A                     | N/A               | N/A                | GROUND WATER  |
| 61-7339            | WR/DECREED          | 8/18/1977            | 4.500 cfs             | N/A                     | N/A               | N/A                | GROUND WATER  |
| 61-7439            | WR/LICENSE          | 6/10/1981            | 3.140 cfs             | 628.0 af                | N/A               | 157.0              | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 61-2072               | NO           | YES        | YES        | YES            | NO                   | NO                   |
| 61-2167               | NO           | YES        | YES        | YES            | NO                   | YES                  |
| 61-2170               | NO           | YES        | YES        | YES            | NO                   | NO                   |
| 61-2188               | NO           | YES        | YES        | YES            | NO                   | YES                  |
| 61-2210               | NO           | YES        | YES        | YES            | NO                   | YES                  |
| 61-7151               | NO           | YES        | YES        | YES            | NO                   | YES                  |
| 61-7172F              | NO           | YES        | YES        | YES            | NO                   | YES                  |
| 61-7184               | NO           | YES        | YES        | YES            | NO                   | NO                   |
| 61-7339               | NO           | YES        | YES        | YES            | NO                   | NO                   |
| 61-7439               | NO           | YES        | YES        | YES            | NO                   | YES                  |

**Summary Of Water Rights After the Approved Change**

| <u>Existing Right</u> | <u>New No. (Changed Portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 61-2072               | 61-2072                          | 2.000 cfs            | N/A                    | N/A               | N/A                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 61-2167               | 61-2167                          | 1.970 cfs            | 628.0 af               | 157.0             | N/A                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 61-2170               | 61-2170                          | 9.640 cfs            | N/A                    | N/A               | N/A                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 61-2188               | 61-2188                          | 2.660 cfs            | 593.7 af               | 133.2             | N/A                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 61-2210               | 61-2210                          | 5.350 cfs            | 1172.0 af              | 293.0             | N/A                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |

Transfer No. 78273

SCANNED

SEP 25 2014

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 78273

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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 61-7151               | 61-7151                          | 1.140 cfs            | 400.0 af               | 100.0             | N/A                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 61-7172F              | 61-7172F                         | 2.810 cfs            | 885.3 af               | 221.0             | N/A                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 61-7184               | 61-7184                          | 4.350 cfs            | N/A                    | N/A               | N/A                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 61-7339               | 61-7339                          | 4.500 cfs            | N/A                    | N/A               | N/A                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 61-7439               | 61-7439                          | 3.140 cfs            | 628.0 af               | 157.0             | N/A                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| COMBINED TOTALS       |                                  | 36.420 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 22<sup>nd</sup> day of September, 2014.

  
Western Regional Manager

# WATER RIGHT NO. 61-7439

## As Modified by Transfer No. 78273

In accordance with the approval of Transfer No. 78273, Water Right No. 61-7439 is now described as follows:

**Right Holder:** CITY OF MOUNTAIN HOME  
PO BOX 10  
MOUNTAIN HOME, ID 83647

**Priority Date:** 6/10/1981

**Source:** GROUND WATER

### BENEFICIAL USE

MUNICIPAL

### From

04/01

### To

to 10/31

### Diversion Rate

3.140 cfs

3.140 cfs

### Diversion Volume

628.0 af

628.0 af

### LOCATION OF POINT(S) OF DIVERSION

|              |           |                        |               |
|--------------|-----------|------------------------|---------------|
| GROUND WATER | NWSW      | Sec 13 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESW      | Sec 13 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 22 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NENE      | Sec 23 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NWNW      | Sec 25 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 25 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SENE      | Sec 26 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SENE      | Sec 26 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 36 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NESE      | Sec 19 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | SWSE      | Sec 19 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NENW      | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NENW      | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | L1 (NWNW) | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NWNE      | Sec 13 Twp 04S Rge 06E | ELMORE County |
| GROUND WATER | NESW      | Sec 13 Twp 04S Rge 06E | ELMORE County |
| GROUND WATER | L1 (NENE) | Sec 3 Twp 04S Rge 06E  | ELMORE County |

### CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Mountain Home 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 right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 78273

**WATER RIGHT NO. 61-7439**  
**As Modified by Transfer No. 78273**

**CONDITIONS OF APPROVAL**

5. Municipal use is limited to municipal type irrigation of 157.0 acres within the authorized place of use in a single irrigation season.
6. Rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 when combined shall not exceed a total diversion rate of 15.93 cfs and an annual diversion volume of 4,305.7 af for the municipal type irrigation of 1,061.2 acres.
7. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 when combined shall not exceed a total diversion rate of 36.42 cfs.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for municipal type irrigation within the place of use.
9. The period of use for the municipal type irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than date of Transfer No. 78273 approval.
10. Prior to diversion and use of water under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
11. Starting January 15, 2016, and continuing every January 15 until notified by the department, the right holder shall submit a report annually to the department demonstrating that the water diverted under rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 is necessary to satisfy demands for municipal type irrigation use during the authorized period of use. The annual report shall include the maximum weekly volume diverted for all purposes during both the irrigation season and the non-irrigation season. The annual report shall also include the total volume diverted for all purposes during both the irrigation season and non-irrigation season. After specific notification by the department, the right holder shall provide to the department any data used to compile the report.
12. Every five (5) years, or more or less frequently if deemed necessary by the department, the right holder shall submit an analysis, based on a current aerial photo, of the number of acres irrigated for municipal type irrigation within the authorized place of use that are not already covered by Mountain Home Irrigation District or other surface water rights.
13. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
14. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 are diverted through points of diversion described above.
15. This right does not grant any right-of-way or easement across the land of another.

# **WATER RIGHT NO. 61-7339**

## **As Modified by Transfer No. 78273**

In accordance with the approval of Transfer No. 78273, Water Right No. 61-7339 is now described as follows:

**Right Holder:** CITY OF MOUNTAIN HOME  
PO BOX 10  
MOUNTAIN HOME, ID 83647

**Priority Date:** 8/18/1977

**Source:** GROUND WATER

### **BENEFICIAL USE**

MUNICIPAL

### **From**

1/01

### **To**

to 12/31

### **Diversion Rate**

4.500 cfs

4.500 cfs

### **LOCATION OF POINT(S) OF DIVERSION**

|              |           |                        |               |
|--------------|-----------|------------------------|---------------|
| GROUND WATER | NWSW      | Sec 13 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESW      | Sec 13 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 22 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NENE      | Sec 23 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NWNW      | Sec 25 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 25 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SENE      | Sec 26 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SENE      | Sec 26 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 36 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NESE      | Sec 19 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | SWSE      | Sec 19 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NENW      | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NENW      | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | L1 (NWNW) | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NWNE      | Sec 13 Twp 04S Rge 06E | ELMORE County |
| GROUND WATER | NESW      | Sec 13 Twp 04S Rge 06E | ELMORE County |
| GROUND WATER | L1 (NENE) | Sec 3 Twp 04S Rge 06E  | ELMORE County |

### **CONDITIONS OF APPROVAL**

1. Place of use is within the service area of the City of Mountain Home 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 right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 78273

**WATER RIGHT NO. 61-7339**  
**As Modified by Transfer No. 78273**

**CONDITIONS OF APPROVAL**

5. 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.
6. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 when combined shall not exceed a total diversion rate of 36.42 cfs.
7. Prior to diversion and use of water under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. The diversion and use of water described in Transfer 72128, and in previous Transfer 69591 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
10. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
11. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 are diverted through points of diversion described above.
12. This right does not grant any right-of-way or easement across the land of another.

# WATER RIGHT NO. 61-2188

## As Modified by Transfer No. 78273

In accordance with the approval of Transfer No. 78273, Water Right No. 61-2188 is now described as follows:

**Right Holder:** JAY B BROWN  
595 E 13TH N  
MOUNTAIN HOME, ID 83647

**Priority Date:** 2/17/1966

**Source:** GROUND WATER

### BENEFICIAL USE

MUNICIPAL

### From

03/15

### To

to 11/15

### Diversion Rate

2.660 cfs

2.660 cfs

### Diversion Volume

593.7 af

593.7 af

### LOCATION OF POINT(S) OF DIVERSION

|              |           |                        |               |
|--------------|-----------|------------------------|---------------|
| GROUND WATER | NWSW      | Sec 13 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESW      | Sec 13 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 22 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NENE      | Sec 23 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NWNW      | Sec 25 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 25 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SENE      | Sec 26 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SENE      | Sec 26 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 36 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NESE      | Sec 19 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | SWSE      | Sec 19 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NENW      | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NENW      | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | L1 (NWNW) | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NWNE      | Sec 13 Twp 04S Rge 06E | ELMORE County |
| GROUND WATER | NESW      | Sec 13 Twp 04S Rge 06E | ELMORE County |
| GROUND WATER | L1 (NENE) | Sec 3 Twp 04S Rge 06E  | ELMORE County |

### CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Mountain Home 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 right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 78273

**WATER RIGHT NO. 61-2188**  
**As Modified by Transfer No. 78273**

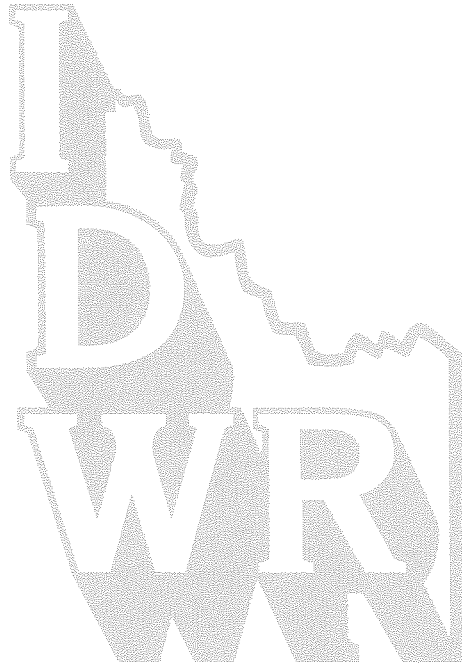
**CONDITIONS OF APPROVAL**

5. 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.
6. Municipal use is limited to municipal type irrigation of 133.2 acres within the authorized place of use in a single irrigation season.
7. Rights 61-2188 and 61-7151 when combined shall not exceed a total diversion rate of 2.66 cfs for the municipal type irrigation of 233.2 acres.
8. Rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 when combined shall not exceed a total diversion rate of 15.93 cfs and an annual diversion volume of 4,305.7 af for the municipal type irrigation of 1,061.2 acres.
9. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 when combined shall not exceed a total diversion rate of 36.42 cfs.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for municipal type irrigation within the place of use.
11. Prior to diversion and use of water under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
12. Starting January 15, 2016, and continuing every January 15 until notified by the department, the right holder shall submit a report annually to the department demonstrating that the water diverted under rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 is necessary to satisfy demands for municipal type irrigation use during the authorized period of use. The annual report shall include the maximum weekly volume diverted for all purposes during both the irrigation season and the non-irrigation season. The annual report shall also include the total volume diverted for all purposes during both the irrigation season and non-irrigation season. After specific notification by the department, the right holder shall provide to the department any data used to compile the report.
13. Every five (5) years, or more or less frequently if deemed necessary by the department, the right holder shall submit an analysis, based on a current aerial photo, of the number of acres irrigated for municipal type irrigation within the authorized place of use that are not already covered by Mountain Home Irrigation District or other surface water rights.
14. The diversion and use of water described in this right per Transfer 78273 is subject to additional conditions and limitations agreed to by the City of Mountain Home and Jay Brown stipulated in the "Acknowledgement and Agreement" signed 7/29/14.
15. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
16. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 are diverted through points of diversion described above.

**WATER RIGHT NO. 61-2188**  
**As Modified by Transfer No. 78273**

**CONDITIONS OF APPROVAL**

17. This right does not grant any right-of-way or easement across the land of another.
18. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.



# WATER RIGHT NO. 61-7151

## As Modified by Transfer No. 78273

In accordance with the approval of Transfer No. 78273, Water Right No. 61-7151 is now described as follows:

**Right Holder:** JAY B BROWN  
595 E 13TH N  
MOUNTAIN HOME, ID 83647

**Priority Date:** 4/9/1973

**Source:** GROUND WATER

### BENEFICIAL USE

MUNICIPAL

### From

04/01

### To

to 10/31

### Diversion Rate

1.140 cfs

1.140 cfs

### Diversion Volume

400.0 af

400.0 af

### LOCATION OF POINT(S) OF DIVERSION

|              |           |                        |               |
|--------------|-----------|------------------------|---------------|
| GROUND WATER | NWSW      | Sec 13 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESW      | Sec 13 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 22 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NENE      | Sec 23 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NWNW      | Sec 25 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 25 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SENE      | Sec 26 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SENE      | Sec 26 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 36 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NESE      | Sec 19 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | SWSE      | Sec 19 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NENW      | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NENW      | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | L1 (NWNW) | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NWNE      | Sec 13 Twp 04S Rge 06E | ELMORE County |
| GROUND WATER | NESW      | Sec 13 Twp 04S Rge 06E | ELMORE County |
| GROUND WATER | L1 (NENE) | Sec 3 Twp 04S Rge 06E  | ELMORE County |

### CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Mountain Home 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 right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 78273

**WATER RIGHT NO. 61-7151**  
**As Modified by Transfer No. 78273**

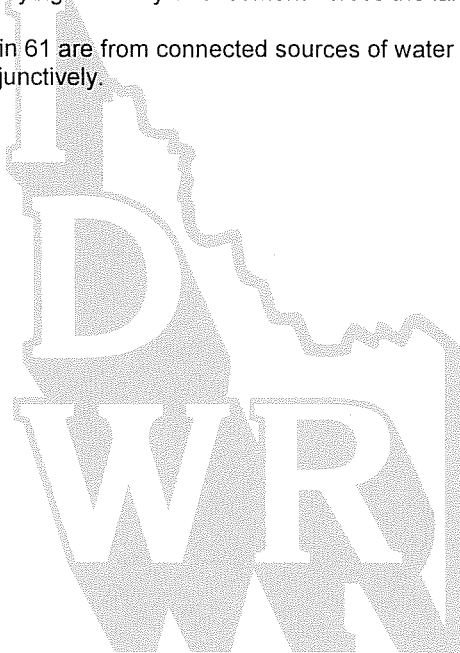
**CONDITIONS OF APPROVAL**

5. 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.
6. Municipal use is limited to municipal type irrigation of 100.0 acres within the authorized place of use in a single irrigation season.
7. Rights 61-2188 and 61-7151 when combined shall not exceed a total diversion rate of 2.66 cfs for the municipal type irrigation of 233.2 acres.
8. Rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 when combined shall not exceed a total diversion rate of 15.93 cfs and an annual diversion volume of 4,305.7 af for the municipal type irrigation of 1,061.2 acres.
9. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 when combined shall not exceed a total diversion rate of 36.42 cfs.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for municipal type irrigation within the place of use.
11. The period of use for the municipal type irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
12. Prior to diversion and use of water under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
13. Starting January 15, 2016, and continuing every January 15 until notified by the department, the right holder shall submit a report annually to the department demonstrating that the water diverted under rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 is necessary to satisfy demands for municipal type irrigation use during the authorized period of use. The annual report shall include the maximum weekly volume diverted for all purposes during both the irrigation season and the non-irrigation season. The annual report shall also include the total volume diverted for all purposes during both the irrigation season and non-irrigation season. After specific notification by the department, the right holder shall provide to the department any data used to compile the report.
14. Every five (5) years, or more or less frequently if deemed necessary by the department, the right holder shall submit an analysis, based on a current aerial photo, of the number of acres irrigated for municipal type irrigation within the authorized place of use that are not already covered by Mountain Home Irrigation District or other surface water rights.
15. The diversion and use of water described in this right per Transfer 78273 is subject to additional conditions and limitations agreed to by the City of Mountain Home and Jay Brown stipulated in the "Acknowledgement and Agreement" signed 7/29/14.

**WATER RIGHT NO. 61-7151**  
**As Modified by Transfer No. 78273**

**CONDITIONS OF APPROVAL**

16. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
17. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 are diverted through points of diversion described above.
18. This right does not grant any right-of-way or easement across the land of another.
19. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.



# WATER RIGHT NO. 61-2167

## As Modified by Transfer No. 78273

In accordance with the approval of Transfer No. 78273, Water Right No. 61-2167 is now described as follows:

**Right Holder:** CITY OF MOUNTAIN HOME  
PO BOX 10  
MOUNTAIN HOME, ID 83647

**Priority Date:** 4/6/1964

**Source:** GROUND WATER

### BENEFICIAL USE

MUNICIPAL

### From

04/01

### To

to 11/01

### Diversion Rate

1.970 cfs

1.970 cfs

### Diversion Volume

628.0 af

628.0 af

### LOCATION OF POINT(S) OF DIVERSION

|              |           |                        |               |
|--------------|-----------|------------------------|---------------|
| GROUND WATER | NWSW      | Sec 13 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESW      | Sec 13 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 22 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NENE      | Sec 23 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NWNW      | Sec 25 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 25 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SENE      | Sec 26 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SENE      | Sec 26 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 36 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NESE      | Sec 19 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | SWSE      | Sec 19 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NENW      | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NENW      | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | L1 (NWNW) | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NWNE      | Sec 13 Twp 04S Rge 06E | ELMORE County |
| GROUND WATER | NESW      | Sec 13 Twp 04S Rge 06E | ELMORE County |
| GROUND WATER | L1 (NENE) | Sec 3 Twp 04S Rge 06E  | ELMORE County |

### CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Mountain Home 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 right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 78273

**WATER RIGHT NO. 61-2167**

**As Modified by Transfer No. 78273**

**CONDITIONS OF APPROVAL**

5. 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.
6. Municipal use is limited to municipal type irrigation of 157.0 acres within the authorized place of use in a single irrigation season.
7. Rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 when combined shall not exceed a total diversion rate of 15.93 cfs and an annual diversion volume of 4,305.7 af for the municipal type irrigation of 1,061.2 acres.
8. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 when combined shall not exceed a total diversion rate of 36.42 cfs.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for municipal type irrigation within the place of use.
10. The period of use for the municipal type irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
11. Prior to diversion and use of water under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
12. Starting January 15, 2016, and continuing every January 15 until notified by the department, the right holder shall submit a report annually to the department demonstrating that the water diverted under rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 is necessary to satisfy demands for municipal type irrigation use during the authorized period of use. The annual report shall include the maximum weekly volume diverted for all purposes during both the irrigation season and the non-irrigation season. The annual report shall also include the total volume diverted for all purposes during both the irrigation season and non-irrigation season. After specific notification by the department, the right holder shall provide to the department any data used to compile the report.
13. Every five (5) years, or more or less frequently if deemed necessary by the department, the right holder shall submit an analysis, based on a current aerial photo, of the number of acres irrigated for municipal type irrigation within the authorized place of use that are not already covered by Mountain Home Irrigation District or other surface water rights.
14. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
15. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 are diverted through points of diversion described above.
16. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 78273

**WATER RIGHT NO. 61-2167**  
**As Modified by Transfer No. 78273**

**CONDITIONS OF APPROVAL**

17. The diversion and use of water described in Transfer 72128 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
18. Any diversions of water under this right shall not be allowed if irrigation within the authorized place of use is curtailed or ceases for any reason.
19. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.



# WATER RIGHT NO. 61-2210

## As Modified by Transfer No. 78273

In accordance with the approval of Transfer No. 78273, Water Right No. 61-2210 is now described as follows:

**Right Holder:** CITY OF MOUNTAIN HOME  
PO BOX 10  
MOUNTAIN HOME, ID 83647

**Priority Date:** 9/30/1966

**Source:** GROUND WATER

### BENEFICIAL USE

MUNICIPAL

### From

04/01

### To

to 11/01

### Diversion Rate

5.350 cfs

5.350 cfs

### Diversion Volume

1172.0 af

1172.0 af

### LOCATION OF POINT(S) OF DIVERSION

|              |           |                        |               |
|--------------|-----------|------------------------|---------------|
| GROUND WATER | NWSW      | Sec 13 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESW      | Sec 13 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 22 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NENE      | Sec 23 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NWNW      | Sec 25 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 25 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SENE      | Sec 26 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SENE      | Sec 26 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 36 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NESE      | Sec 19 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | SWSE      | Sec 19 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NENW      | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NENW      | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | L1 (NWNW) | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NWNE      | Sec 13 Twp 04S Rge 06E | ELMORE County |
| GROUND WATER | NESW      | Sec 13 Twp 04S Rge 06E | ELMORE County |
| GROUND WATER | L1 (NENE) | Sec 3 Twp 04S Rge 06E  | ELMORE County |

### CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Mountain Home 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 right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 78273

**WATER RIGHT NO. 61-2210**  
**As Modified by Transfer No. 78273**

**CONDITIONS OF APPROVAL**

5. 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.
6. Municipal use is limited to municipal type irrigation of 293.0 acres within the authorized place of use in a single irrigation season.
7. Rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 when combined shall not exceed a total diversion rate of 15.93 cfs and an annual diversion volume of 4,305.7 af for the municipal type irrigation of 1,061.2 acres.
8. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 when combined shall not exceed a total diversion rate of 36.42 cfs.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for municipal type irrigation within the place of use.
10. The period of use for the municipal type irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
11. Prior to diversion and use of water under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
12. Starting January 15, 2016, and continuing every January 15 until notified by the department, the right holder shall submit a report annually to the department demonstrating that the water diverted under rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 is necessary to satisfy demands for municipal type irrigation use during the authorized period of use. The annual report shall include the maximum weekly volume diverted for all purposes during both the irrigation season and the non-irrigation season. The annual report shall also include the total volume diverted for all purposes during both the irrigation season and non-irrigation season. After specific notification by the department, the right holder shall provide to the department any data used to compile the report.
13. Every five (5) years, or more or less frequently if deemed necessary by the department, the right holder shall submit an analysis, based on a current aerial photo, of the number of acres irrigated for municipal type irrigation within the authorized place of use that are not already covered by Mountain Home Irrigation District or other surface water rights.
14. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
15. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 are diverted through points of diversion described above.
16. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 78273

**WATER RIGHT NO. 61-2210**  
**As Modified by Transfer No. 78273**

**CONDITIONS OF APPROVAL**

17. The diversion and use of water described in Transfer 72128 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
18. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
19. Any diversions of water under this right shall not be allowed if irrigation within the authorized place of use is curtailed or ceases for any reason.



**WATER RIGHT NO. 61-7172F****As Modified by Transfer No. 78273**

In accordance with the approval of Transfer No. 78273, Water Right No. 61-7172F is now described as follows:

**Right Holder:** CITY OF MOUNTAIN HOME  
PO BOX 10  
MOUNTAIN HOME, ID 83647

**Priority Date:** 11/19/1973

**Source:** GROUND WATER

**BENEFICIAL USE**

MUNICIPAL

**From**

03/15

**To**

to 10/15

**Diversion Rate**

2.810 cfs

2.810 cfs

**Diversion Volume**

885.3 af

885.3 af

**LOCATION OF POINT(S) OF DIVERSION**

|              |           |                        |               |
|--------------|-----------|------------------------|---------------|
| GROUND WATER | NWSW      | Sec 13 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESW      | Sec 13 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 22 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NENE      | Sec 23 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NWNW      | Sec 25 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 25 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SENE      | Sec 26 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SENE      | Sec 26 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 36 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NESE      | Sec 19 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | SWSE      | Sec 19 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NENW      | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NENW      | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | L1 (NWNW) | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NWNE      | Sec 13 Twp 04S Rge 06E | ELMORE County |
| GROUND WATER | NESW      | Sec 13 Twp 04S Rge 06E | ELMORE County |
| GROUND WATER | L1 (NENE) | Sec 3 Twp 04S Rge 06E  | ELMORE County |

**PLACE OF USE: MUNICIPAL**

|     |     |     | NE |    |    |    | NW  |     |    |    | SW |     |     |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|-----|-----|----|----|----|-----|-----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE  | NW  | SW | SE | NE | NW  | SW  | SE | NE | NW | SW | SE |        |
| 03S | 06E | 22  |    |    |    |    |     |     |    |    |    |     |     |    |    |    |    | X  |        |
| 03S | 06E | 23  | X  |    | X  | X  |     |     | X  | X  | X  | X   | X   | X  | X  | X  | X  | X  |        |
| 03S | 06E | 24  | X  | X  | X  | X  | X   | X   | X  | X  | X  | X   | X   | X  |    |    | X  | X  |        |
| 03S | 06E | 25  | X  | X  | X  | X  | X   | X   | X  | X  | X  | X   | X   | X  | X  | X  | X  | X  |        |
| 03S | 06E | 26  | X  | X  | X  | X  | X   | X   |    |    |    |     |     | X  | X  | X  | X  | X  |        |
| 03S | 06E | 35  | X  | X  | X  | X  |     |     |    | X  |    |     |     |    | X  | X  |    |    |        |
| 03S | 06E | 36  | X  | X  | X  |    | X   | X   | X  | X  |    | X   |     |    |    |    |    |    |        |
| 03S | 07E | 19  |    |    | X  | X  |     |     |    |    |    |     | X   | X  | X  | X  | X  | X  |        |
|     |     |     |    |    |    |    |     |     |    |    |    |     | L 4 |    |    |    |    |    |        |
| 03S | 07E | 30  |    | X  | X  |    | X   | X   | X  | X  | X  | X   | X   |    |    |    |    |    |        |
|     |     |     |    |    |    |    | L 1 | L 2 |    |    |    | L 3 | L 4 |    |    |    |    |    |        |

Transfer No. 78273

**WATER RIGHT NO. 61-7172F**  
**As Modified by Transfer No. 78273**

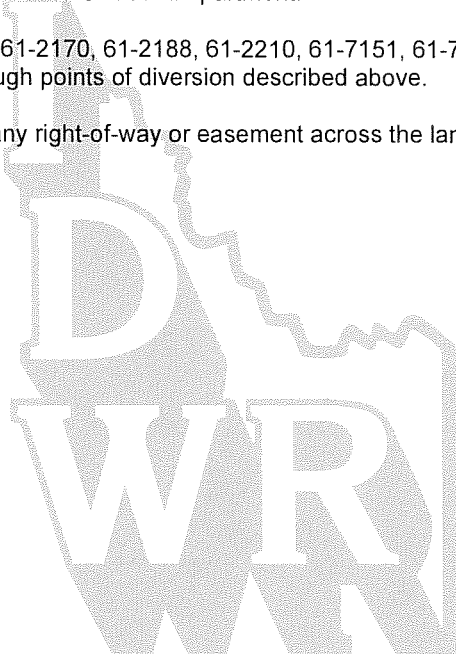
**CONDITIONS OF APPROVAL**

1. Place of use is within the service area of the City of Mountain Home 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 right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. Municipal use is limited to municipal type irrigation of 221.0 acres within the authorized place of use in a single irrigation season.
7. Rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 when combined shall not exceed a total diversion rate of 15.93 cfs and an annual diversion volume of 4,305.7 af for the municipal type irrigation of 1,061.2 acres.
8. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 when combined shall not exceed a total diversion rate of 36.42 cfs.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for municipal type irrigation within the place of use.
10. The period of use for the municipal type irrigation described in this approval may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/7/2000.
11. Prior to diversion and use of water under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
12. Starting January 15, 2016, and continuing every January 15 until notified by the department, the right holder shall submit a report annually to the department demonstrating that the water diverted under rights 61-2167, 61-2188, 61-2210, 61-7151, 61-7172F, and 61-7439 is necessary to satisfy demands for municipal type irrigation use during the authorized period of use. The annual report shall include the maximum weekly volume diverted for all purposes during both the irrigation season and the non-irrigation season. The annual report shall also include the total volume diverted for all purposes during both the irrigation season and non-irrigation season. After specific notification by the department, the right holder shall provide to the department any data used to compile the report.

**WATER RIGHT NO. 61-7172F**  
**As Modified by Transfer No. 78273**

**CONDITIONS OF APPROVAL**

13. Every five (5) years, or more or less frequently if deemed necessary by the department, the right holder shall submit an analysis, based on a current aerial photo, of the number of acres irrigated for municipal type irrigation within the authorized place of use that are not already covered by Mountain Home Irrigation District or other surface water rights.
14. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
15. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 are diverted through points of diversion described above.
16. This right does not grant any right-of-way or easement across the land of another.



**WATER RIGHT NO. 61-2072**

**As Modified by Transfer No. 78273**

In accordance with the approval of Transfer No. 78273, Water Right No. 61-2072 is now described as follows:

**Right Holder:** CITY OF MOUNTAIN HOME  
PO BOX 10  
MOUNTAIN HOME, ID 83647

**Priority Date:** 3/13/1931

**Source:** GROUND WATER

**BENEFICIAL USE**

MUNICIPAL

**From**

01/01

**To**

to 12/31

**Diversion Rate**

2.000 cfs

2.000 cfs

**LOCATION OF POINT(S) OF DIVERSION**

|              |           |                        |               |
|--------------|-----------|------------------------|---------------|
| GROUND WATER | NWSW      | Sec 13 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESW      | Sec 13 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 22 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NENE      | Sec 23 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NWNW      | Sec 25 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 25 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SENE      | Sec 26 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SENE      | Sec 26 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 36 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NESE      | Sec 19 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | SWSE      | Sec 19 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NENW      | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NENW      | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | L1 (NWNW) | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NWNE      | Sec 13 Twp 04S Rge 06E | ELMORE County |
| GROUND WATER | NESW      | Sec 13 Twp 04S Rge 06E | ELMORE County |
| GROUND WATER | L1 (NENE) | Sec 3 Twp 04S Rge 06E  | ELMORE County |

**CONDITIONS OF APPROVAL**

1. Place of use is within the service area of the City of Mountain Home 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 right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 78273

**WATER RIGHT NO. 61-2072**  
**As Modified by Transfer No. 78273**

**CONDITIONS OF APPROVAL**

5. 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.
6. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 when combined shall not exceed a total diversion rate of 36.42 cfs.
7. Prior to diversion and use of water under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. The diversion and use of water described in Transfer 72128, and in previous Transfer 69591 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
10. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
11. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 are diverted through points of diversion described above.
12. This right does not grant any right-of-way or easement across the land of another.

# WATER RIGHT NO. 61-2170

## As Modified by Transfer No. 78273

In accordance with the approval of Transfer No. 78273, Water Right No. 61-2170 is now described as follows:

**Right Holder:** CITY OF MOUNTAIN HOME  
PO BOX 10  
MOUNTAIN HOME, ID 83647

**Priority Date:** 5/27/1964

**Source:** GROUND WATER

### BENEFICIAL USE

MUNICIPAL

### From

1/01

### To

to 12/31

### Diversion Rate

9.640 cfs

9.640 cfs

### LOCATION OF POINT(S) OF DIVERSION

|              |           |                        |               |
|--------------|-----------|------------------------|---------------|
| GROUND WATER | NWSW      | Sec 13 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESW      | Sec 13 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 22 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NENE      | Sec 23 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NWNW      | Sec 25 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 25 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SENE      | Sec 26 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SENE      | Sec 26 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 36 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NESE      | Sec 19 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | SWSE      | Sec 19 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NENW      | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NENW      | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | L1 (NWNW) | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NWNE      | Sec 13 Twp 04S Rge 06E | ELMORE County |
| GROUND WATER | NESW      | Sec 13 Twp 04S Rge 06E | ELMORE County |
| GROUND WATER | L1 (NENE) | Sec 3 Twp 04S Rge 06E  | ELMORE County |

### CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Mountain Home 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 right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 78273

**WATER RIGHT NO. 61-2170**  
**As Modified by Transfer No. 78273**

**CONDITIONS OF APPROVAL**

5. 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.
6. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 when combined shall not exceed a total diversion rate of 36.42 cfs.
7. Prior to diversion and use of water under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. The diversion and use of water described in Transfer 72128, and in previous Transfer 69591 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
10. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
11. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 are diverted through points of diversion described above.
12. This right does not grant any right-of-way or easement across the land of another.

# WATER RIGHT NO. 61-7184

## As Modified by Transfer No. 78273

In accordance with the approval of Transfer No. 78273, Water Right No. 61-7184 is now described as follows:

**Right Holder:** CITY OF MOUNTAIN HOME  
PO BOX 10  
MOUNTAIN HOME, ID 83647

**Priority Date:** 4/22/1974

**Source:** GROUND WATER

### BENEFICIAL USE

MUNICIPAL

### From

1/01

### To

to 12/31

### Diversion Rate

4.350 cfs

4.350 cfs

### LOCATION OF POINT(S) OF DIVERSION

|              |           |                        |               |
|--------------|-----------|------------------------|---------------|
| GROUND WATER | NWSW      | Sec 13 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESW      | Sec 13 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 22 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NENE      | Sec 23 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NWNW      | Sec 25 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 25 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SENE      | Sec 26 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SENE      | Sec 26 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SESE      | Sec 27 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | SWNE      | Sec 36 Twp 03S Rge 06E | ELMORE County |
| GROUND WATER | NESE      | Sec 19 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | SWSE      | Sec 19 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NENW      | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NENW      | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | L1 (NWNW) | Sec 30 Twp 03S Rge 07E | ELMORE County |
| GROUND WATER | NWNE      | Sec 13 Twp 04S Rge 06E | ELMORE County |
| GROUND WATER | NESW      | Sec 13 Twp 04S Rge 06E | ELMORE County |
| GROUND WATER | L1 (NENE) | Sec 3 Twp 04S Rge 06E  | ELMORE County |

### CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Mountain Home 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 right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

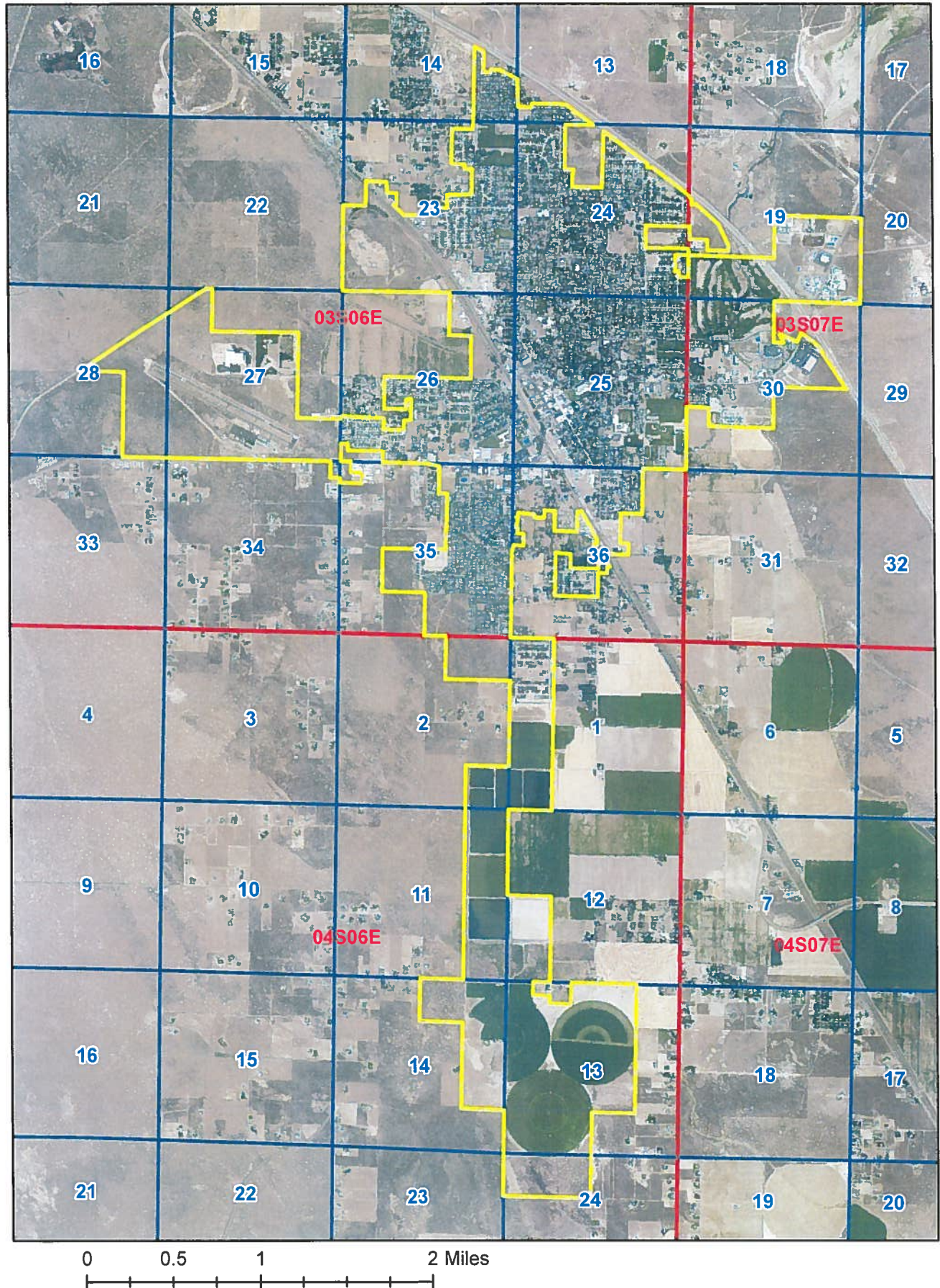
Transfer No. 78273

**WATER RIGHT NO. 61-7184**  
**As Modified by Transfer No. 78273**

**CONDITIONS OF APPROVAL**

5. 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.
6. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 when combined shall not exceed a total diversion rate of 36.42 cfs.
7. Prior to diversion and use of water under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. The diversion and use of water described in Transfer 72128, and in previous Transfer 69591 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
10. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
11. Rights 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151, 61-7172F, 61-7184, 61-7339, and 61-7439 are diverted through points of diversion described above.
12. This right does not grant any right-of-way or easement across the land of another.

# City of Mountain Home Municipal Service Area Transfer 78273





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

September 22, 2014

CITY OF MOUNTAIN HOME  
PO BOX 10  
MOUNTAIN HOME ID 83647

Re: Transfer No. 78273

Water Right No's: 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151,  
61-7172F, 61-7184, 61-7339 & 61-7439.

**Transfer Approval Notice**

Dear Water Right Holders:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)334-2190.

Sincerely,

A handwritten signature in black ink that reads "Rachel Sommer." The signature is written in a cursive style with a large, looped "R" and a trailing flourish.

Rachel Sommer  
Administrative Assistant

Enclosures

## **CERTIFICATE OF SERVICE**

I hereby certify that on September 22, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

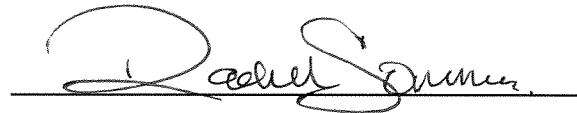
**Re: Transfer No. 78273**

**Water Right No's: 61-2072, 61-2167, 61-2170, 61-2188, 61-2210, 61-7151,  
61-7172F , 61-7184, 61-7339 & 61-7439.**

**CITY OF MOUNTAIN HOME  
PO BOX 10  
MOUNTAIN HOME ID 83647**

**JAMES CARRIE  
PO BOX 624  
MOUNTAIN HOME ID 83647**

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

A handwritten signature in black ink, reading "Rachel Sommer", is written over a horizontal line.

**Rachel Sommer  
Administrative Assistant**

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

### **REQUEST FOR HEARING**

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

### **ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

## **CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## **FINAL ORDER**

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

## MEMORANDUM

TO: Transfer No. 78273 File  
FROM: Angie Grimm  
DATE: September 5, 2014  
RE: Final Review

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This memo summarizes the final review items addressed after the Evaluation of Sufficiency of Information Submitted memo was written (June 2, 2014).

**Water Supply Bank Portions of Rights 61-2188 and 61-7151:** The City of Mountain Home (City) submitted a purchase and sales agreement for rights 61-2188 and 61-7151 proposed for transfer. The City is only purchasing the undisputed portions of Mr. Jay Brown's rights (currently numbered 61-2188 and 61-7151) NOT the disputed portions (currently numbered 61-12272 & 61-12273). Water Supply Bank (WSB) information on file for these rights indicates Mr. Jay Brown is currently using a 106.0 acre portion of rights 61-2188 and 61-7151 for irrigation while the remaining 127.2 ac portion of the rights is subject to a WSB rental agreement until 2016. The City and Mr. Jay Brown signed an "Acknowledgement and Agreement" stating the City will only use the 106.0 acre portion of rights 61-2188 and 61-7151 currently not leased into the bank through the 2016 irrigation season provided the WSB rental agreement currently in place is renewed. If the WSB rental agreement is not renewed, the leased portions of these rights will be removed from the bank and become available for the City's use. A condition was placed on Transfer No. 78273 approval for rights 61-2188 and 61-7151 referencing the WSB "Acknowledgement and Agreement".

**Use of Portions of Rights 61-2188 and 61-7151:** Per WSB documentation, Mr. Jay Brown is still using the un-leased 106.0 acre portion of rights 61-2188 and 61-7151 for irrigation. Once Transfer No. 78273 is approved, the place of use authorized for these rights will change. However, the City's purchase of the rights will not be finalized until the last payment is submitted to Mr. Brown, likely after the irrigation season has concluded per City staff. Therefore, the place of use change for the rights will not be accomplished until ownership of the rights has changed after Mr. Brown has ceased irrigation for the year.

**Large POU Shape Provided By Applicant:** During final review of the application a few discrepancies were found between the 40 ac-tracts listed on the transfer form versus those shown on the newest map received 5/27/2014. I requested a shapefile from the applicant's consultant (received via email 8/28/14) to verify the service area is recorded as the applicant desires. That shapefile has been used to create the large place of use (POU) shape and corresponding public land survey (PLS) land list in the workflow database.

## MEMORANDUM

TO: Transfer No. 78273 File

FROM: Angie Grimm

DATE: March 7, 2014 Amended June 2, 2014

RE: Evaluation of Sufficiency of Information Submitted

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The transfer proposes to: change the nature of use for irrigation rights 61-2188, 61-7151, 61-7439, 61-7172F, 61-2167, and 61-2210 to municipal type irrigation use; change/add points of diversion (P/Ds) authorizing up to 20 wells for rights 61-2188, 61-7151, 61-7439, 61-7172F, 61-2167, 61-2210, 61-2072, 61-2170, 61-7184, and 61-7339; and change/update the place of use (P/U) for all the same rights to a municipal service area large place of use of the City of Mountain Home (City).

The site is generally located within and around the current city limits of the City of Mountain Home approximately 45 miles southeast of Boise.

**Contact person for the applicant is Chuck G. Brockway of Brockway Engineering, PLLC.**

### Deviations from Transfer Policy Standards

This application proposes to change the nature of use of several rights from irrigation to municipal and add the rights to the City's municipal service area. Historically, the Department required the applicant submit historic consumptive use information for irrigation right(s) and based the quantity to be changed to the new use on that data, limiting the new use volume to the historic irrigation consumptive volume. Contrarily, this transfer proposes to maintain the historic diversion volume for these rights contingent that the municipal use under these rights be used for municipal type irrigation. The rights with this type of nature of use change will maintain their current irrigation limits (number of acres, season of use, diversion volume), while benefiting from the flexibility of a place of use within the City's municipal service area. This type of nature of use change was approved in a previous transfer (City of Coeur d' Alene Transfer no. 75824 for water right 95-2164) and is approvable in this instance per discussions with State Office allocation staff.

Additionally, the nature of use for minimal stockwater use authorized via right 61-7172F was changed to municipal use without requiring the applicant to provide historic consumptive use as discussed above. The 1.3 af to be changed is too minimal to justify requiring historic consumptive data submittal for the nature of use change. The 1.3 af diversion volume was included with the diversion volume converted from irrigation in the total volume recommended for municipal use via this transfer. To avoid enlargement, use under right 61-7172F for municipal type irrigation was limited to a volume of 884.0 af per irrigation season alone and when used in combination with all the other former irrigation rights within the transfer to a total volume of 4305.7 af per conditions in the draft approval.

### **Summary of Information Submitted**

**Authority to File:** The applicant is the current owner of record for rights 61-2167, 61-2210, 61-2072, 61-2170, 61-7184, 61-7339, 61-7439 and 61-7172F proposed for transfer. As owner, the applicant has authority to change these rights.

Rights 61-2188 and 61-7151 are currently owned by Jay B. Brown. An Agreement for Sale of Water Rights (submitted with transfer application) between the applicant and Brown states rights purchased after transfer approval. The agreement indicates applicant is authorized to file transfer application. The applicant also holds a security interest for these rights.

The applicant proposes up to nine (9) new P/Ds for the City's municipal system. Of these nine P/Ds, two are existing wells on land owned by the City. The other seven proposed P/Ds are wells not yet constructed. Of those seven proposed P/D sites, all the land is owned by the City except two of the sites. Letters from Mountain Home School District 193 and Victor and Albert Hofer were submitted with the amended application granting access to the City for the "6<sup>th</sup> S. & 18<sup>th</sup> E" POD (SE SE Sec 25 3S 6E) and "Smith Rd & Bruneau Hwy" POD [Gov't Lot 1(NE NE) Sec 3 T4S R6E] respectively.

**Water Right Validity:** Rights presumed to be valid. Rights 61-2072, 61-2170, 61-7184, and 61-7339, decreed in 2001, are municipal use rights within the service area of an active municipality considered valid provided no evidence to the contrary. Approximately 127.2 acres worth of rights 61-2188 and 61-7151 (Brown rights), decreed in 2000, are currently in the water supply bank for an indefinite term and therefore protected from forfeiture per I.C. § 42-223(5). Recent beneficial use of the remaining 106 acres worth of the Brown rights was confirmed via 2013 aerial imagery. Rights 61-7439 and 61-7172F (Farm rights), decreed in 2000, place of use is irrigated primarily via land application of city effluent and supplemented by diversion of some ground water under the Farm rights. These rights are protected from forfeiture and/or partial forfeiture per I.C. § 42-223(3). Land application of city effluent has been occurring on this place of use land since 1989, per conversation with IDEQ staff.

**Injury to Other Water Rights:** Injury should not occur under this proposal provided use of new City wells and/or increased use of existing City wells does not interfere with nearby existing wells. As ground water rights, use of the P/Ds is subject to reasonable pumping level provisions of I. C. § 42-226. The current and proposed P/Ds are completed within the regional aquifer of the Mountain Home GWMA. Applicant provided drawdown estimate information, based on ground water flow modeling, indicating less than two feet of drawdown around the perimeter of the City and/or the immediate vicinity around the City's southernmost wells should the transfer authorize pumping of the Brown rights from City's wells. Considering the applicant is not proposing to increase diversion beyond authorized limits, it is unlikely authorization of this transfer will significantly impact the ground water supply for other water rights in this area.

**Enlargement of Use:** The diversion rate, annual diversion volume, and number of acres irrigated will not increase as a result of this transfer. Applicant proposes to change the irrigation rights to municipal use, but limit use of these rights to municipal type irrigation within the municipal service area in order to retain the diversion volume (similar to City of Coeur d' Alene Transfer No. 75824 for right 95-2164). The municipal type irrigation rights will have conditions limiting the number of acres and reporting requirements to demonstrate municipal irrigation within the service area in the future to ensure no enlargement occurs and that the rights are being used for municipal type irrigation only. Also, these rights will be limited to the historic season of use (irrigation season) as opposed to year round use typical of municipal rights.

**Local Public Interest:** Allowing the applicant to change their rights to municipal (municipal type irrigation) use within a service area and add P/D locations allows for flexibility in the City's planning for current water needs, which serves the local public interest. The transfer application will be subject to public notice and protest allowing for identification of other potential public interest issues.

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

**Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the application.**

### Discussion

Data entry will affect the water records for the rights proposed for transfer. All rights within this transfer were decreed in the SRBA, except 61-7439 which was licensed 11/25/92. The decree records were migrated to water right records prior to processing of this transfer.

The transfer proposes to: change the nature of use for rights 61-2188, 61-7151, 61-2167, 61-2210, 61-7439, and 61-7172F, update the City's municipal service area, and change/add at total of 20 P/Ds for all City's water rights to create a combined system.

Rights 61-12272 and 61-12273 are portions of the Brown rights (61-2188 and 61-7151), which currently have the same P/D. These rights will be a separate system once transfer is processed. Therefore, these rights do not need to be included in this transfer process. There are other privately owned P/Ds within the legal description of City's current and proposed P/Ds. Likely these P/Ds are wells that are not part of the City's municipal system, i.e. are not overlapping P/Ds. All of the City's rights within the current service area are included in this transfer process. The transfer proposes to add four more rights to and expand the large P/U boundary. P/U overlap analysis is not applicable for large P/U transfer processing. There are no other overlapping rights for the existing P/Ds, proposed P/Ds, existing P/Us, or proposed large P/U.

The transfer proposes a total of 20 points of diversion. Per information submitted with the amended transfer application, of these 20 P/Ds, the city actively uses eight wells ("Well 12", "Well 15", "Well 1", "Well 6", "Well 13", "Well 11", "Well 14", and "Well 9") for their municipal system and two different wells ("South Farm Well" and "North Farm Well") to supplement municipal effluent irrigation of agriculture fields south of the city. Another two wells ("Well 4" and "Well 5") are currently authorized P/Ds for the municipal system, but are not actively used. The remaining eight P/Ds are proposed as sites for wells to be drilled in the future. Of these eight proposed well sites, one ("Legacy Park") was approved by transfer no. 72128 (in 2006) as a P/D, but a well was never constructed. Transfer no. 72128 received numerous protests taking issue with surface water vs. ground water use for irrigation and the number/location of proposed well sites. Per the protest resolution, all additional proposed P/D sites were dropped from the transfer filing except for the Legacy Park site. This transfer application proposes to add numerous well sites including two well sites ("City shop" in SW NE Sec 36 T3S R6E and "6<sup>th</sup> S & 18<sup>th</sup> E" in SE SE Sec 25 T3S R6E) specifically excluded as part of the protest resolution to the previous transfer. Based on the this information, in the interest of the local public, comment letters regarding this transfer will be sent to protestants of the previous Transfer no. 72128 during the advertising process.

Approval of Transfer no. 72128 authorized the City use irrigation rights 61-2167 and 61-2210 within the municipal service area, contrary to I.C. § 42-219(6) authorizing a service area boundary only for surface water irrigation rights. This transfer application proposes to change the nature of use of these rights to municipal use as discussed above to correct this oversight.

Additionally, the previous transfer approval (no. 72128) required the City submit an analysis of the number of acres irrigated within the service area not already covered by surface water rights which includes an aerial photo clearly designating all lands being irrigated (condition #5 on right 61-2167 and 61-2210). Although the applicant submitted information to demonstrate the number of acres currently irrigated (based on the 2004 aerial photo analysis for the previous transfer and the number of acres), the applicant is incompliant with this condition in that the applicant has not submitted an analysis of a recent (last 5 years) aerial photo indicated the irrigated acreage not covered by surface water rights. My letter dated July 30, 2013 specifically requested this information. In response to this request, the applicant provided information demonstrating current irrigation of up to 1219 acres within the proposed municipal service area, 841 acres municipal type irrigation within the current service area plus 378 acres of agricultural land irrigated largely in part with municipal effluent supplemented with ground water (rights 61-7439 and 61-7172F) also considered municipal type irrigation use. Should the transfer be approved as proposed, the number of acres authorized for municipal type irrigation use (under rights 61-2188, 61-7151, 61-2167, 61-2210, 61-7439, and 61-7172F) will total 1061.2. See amended transfer application no. 78273 attachment # 9 for further details. The information supplied demonstrates the amount of water to be authorized for municipal type irrigation (1061.2 acres) will presumably be used for municipal type irrigation only, as any approval would stipulate. Considering any new transfer approval would require similar if not the same reporting, I sent the applicant a second request for the aerial photo analysis per previous transfer conditions via my letter dated December 11, 2013. On February 27, 2014, I received an updated analysis (with a 2013 aerial photograph) following the same basic procedure as the analysis submitted based on the 2004 aerial photograph. This analysis indicated 924 acres of municipal type irrigation occurring within the current service area of the City of Mountain Home. The 924 acres plus the 378 acres of irrigation occurring with municipal effluent to be added to the service area via this transfer totals 1302 acres. Based on current practices, it appears the City currently has over the 1061.2 acres of municipal type irrigation that would be required should this transfer be approved.

The fee submitted for this transfer is based on the total system rate with combined limitations accounted for. Applicant required to submit additional \$210.00 with amended application for nature of use change (NOU fee \$250, but applicant overpaid \$40 with initial application). Fee received with amended application (receipt # W041592).

### Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Condition 046 is applicable since new wells are proposed.

## ACKNOWLEDGEMENT AND AGREEMENT

RECEIVED  
AUG 01 2014  
DEPARTMENT OF  
WATER RESOURCES

**To:** Idaho Department of Water Resources (Department)

**Subject:** The use in connection with Water Right Nos. 61-2188 and 61-7151 once Transfer No. 78273 has been approved by the Department and the disposition of the Water Supply Bank Lease.

On July 20, 2006, portions of Water Right Nos. 61-2188 and 61-7151 were leased into the Water Resources Board's Water Supply Bank (Bank) for an indefinite term.

Transfer No. 78273 proposes to re-locate Water Right Nos. 61-2188 and 61-7151 to the city of Mountain Home's municipal service boundary.

On April 17, 2014, the entire Leased portions of Water Right Nos. 61-2188 and 61-7151 were rented to a third party until December 31, 2016.

Transfer No. 78273 can move towards Departmental approval; however, the city of Mountain Home acknowledges that Water Right Nos. 61-2188 and 61-7151 must adhere to the following schedule during years 2015 and 2016 so long that the rental agreement is renewed for each of those years:

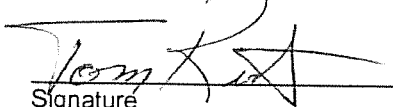
- After the approval of Transfer No. 78273, the exercise of Water Right Nos. 61-2188 during said years shall be limited to 1.21 cfs, 269.6 af, and 60.6 acres.
- After the approval of Transfer No. 78273, the exercise of Water Right No. 61-7151 during said years shall be limited to 0.52 cfs, 182.1 af, and 45.4 acres.
- During 2015 and 2016 Water Right Nos. 61-2188 and 61-7151 will have a combined limit of 1.21 cfs on 106.0 acres pursuant to the water right conditions and Lease Contract.

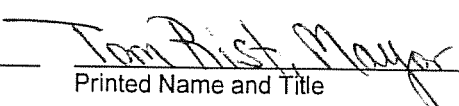
In the event the renter does not continue their rental agreement in 2015 or 2016 involving Water Right Nos. 61-2188 and 61-7151 the Lease Contract will be released from the Bank and the city may make full use of their water rights by the beginning of the irrigation season.

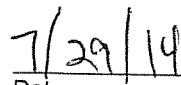
The city also acknowledges and agrees that the Lease of Water Right Nos. 61-2188 and 61-7151 will be discontinued once the rental concludes at the end of 2016 and the city may make full use of their water rights by the beginning of the irrigation season 2017. If the city wishes to keep the water rights in the Bank, new Lease applications can be filed to bring the Lease in conformance with the modified elements of the water rights.

The city also acknowledges and agrees that the rental payments from the Bank for 2014 shall be paid to the Lessor described in the Lease Contract, Jay Brown. Furthermore, beginning in the calendar year following an acknowledged change in water right ownership, compensation for the rental will go to the city.

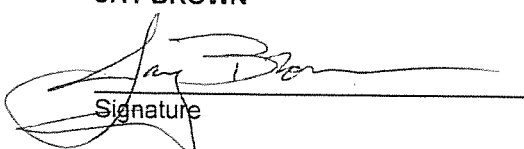
### CITY OF MOUNTAIN HOME

  
Signature

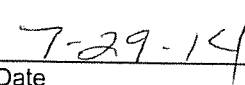
  
Printed Name and Title

  
Date

### JAY BROWN

  
Signature

  
Printed Name

  
Date

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AUG 05 2014

WATER RESOURCES  
WESTERN REGION

COPY

**Grimm, Angie**

**RECEIVED**

**MAY 27 2014**

**WATER RESOURCES  
WESTERN REGION**

**From:** Charles G. Brockway [charles.g.brockway@brockwayeng.com]  
**Sent:** Tuesday, May 27, 2014 4:56 PM  
**To:** Grimm, Angie  
**Cc:** Wayne Shepherd  
**Subject:** Mountain Home POD amendment  
**Attachments:** POD supplement - revised 5-27-2014.pdf; PARCEL RPO3S06E229810.tif; PARCEL RPO3S06E270010.tif; FIGURE 2 NEW 2014 (Custom).jpg; FIGURE 1 NEW 2014 (Custom).jpg

Angie,

Attached are the following:

1. A modified POD supplement which shows the "Triangle" well in the SESE22, T3S, R6E on city-owned property, rather than in the NWNW26.
2. Revised Figures 1 and 2 showing the correct well location.
3. Deeds confirming the City owns the specified POD location.

Please consider this an amendment to the pending transfer application for the City of Mountain Home. Let me know if anything further is needed.

Thanks,  
Chuck

---

Charles G. Brockway, Ph.D., P.E.  
Brockway Engineering, PLLC  
2016 Washington St. North, Suite 4  
Twin Falls, ID 83301  
(208) 736-8543  
[charles.g.brockway@brockwayeng.com](mailto:charles.g.brockway@brockwayeng.com)

*All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.*

UNITED STATES OF AMERICA  
GENERAL SERVICES ADMINISTRATION

Region 10  
Auburn, Washington 98002



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WESTERN REGION

OCT 19 1970

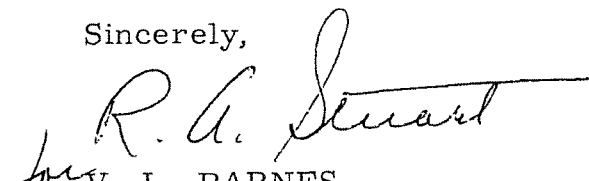
Honorable Frank A. Pearce  
Mayor of Mountain Home  
Mountain Home, Idaho 83647

Dear Mayor Pearce:

Subject: Mountain Home Quarry Annex  
Mountain Home, Idaho  
D-Ida-415Y

Transmitted herewith is executed original Quitclaim Deed dated August 17, 1970, whereby the United States of America, acting by and through the Administrator of General Services, conveyed the subject property to the City of Mountain Home in consideration of cash payment of \$6,550.00.

Sincerely,

  
V. L. BARNES  
Chief, Real Property Division  
Property Management and Disposal Service

Enclosure

QUITCLAIM DEED

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WATER RESOURCES  
WESTERN REGION

The UNITED STATES OF AMERICA, acting by and through the Administrator of General Services under and pursuant to the powers and authority contained in applicable provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, and regulations and orders promulgated thereunder, (hereinafter referred to as "Grantor"), for and in consideration of the sum of Ten Dollars and other good and valuable consideration, does hereby remise, release and forever quitclaim to the CITY OF MOUNTAIN HOME, a municipal corporation of the State of Idaho, (hereinafter referred to as "Grantee"), its successors and assigns, all of Grantor's right, title and interest in and to the following described property (hereinafter referred to as "Property") situated in Elmore County, State of Idaho:

A parcel of land in Section 22, 23 and 27, Township 3 South, Range 6 East of the Boise Meridian, Elmore County, Idaho, described as follows:

Beginning at the northeast corner of said Section 27, said corner being common to Sections 22, 23, 26 and 27; thence South  $0^{\circ} 03'$  West 252.15 feet along the east line thereof to the northerly right-of-way of Mountain Home Air Force Base Railroad Spur; thence north  $66^{\circ} 41'$  West 486.73 feet along said railroad right-of-way, to the beginning of a curve to the left with a radius of 1432.69 feet; thence northwesterly along said curve through a central angle of  $22^{\circ} 50'$ , for an arc distance of 610.68 feet to a point of tangency; thence leaving said right-of-way North  $77^{\circ} 18' 30''$  East 1066.89 feet to a point on the west line of said Section 23, said point being 300.00 feet north from the southwest corner thereof; thence north along the west line of said Section 23 for a distance of 1701.72 feet, to the center of Fourteenth N. Street, as shown on the Official Map of Mountain Home; thence east 1320.80 feet along the centerline of said Fourteenth N. Street to the centerline of Mellen Street, as shown on said Official Map; thence south 657.24 feet along said centerline of Mellen Street to the centerline of Twelfth N. Street; thence east 660.40 feet along said centerline of Twelfth N. Street to the centerline of Bradford Street as shown on the said Official Map; thence south 657.24 feet along said centerline of Bradford Street to the centerline of Eleventh N. Street, as shown on said Official Map; thence east 660.40 feet along the centerline of Eleventh N. Street to the centerline of Jerome Street as shown on said Official Map; thence south along said centerline of Jerome Street 688.12 feet, more or less, to a point on the south line of Tenth N. Street and said Section 23 as shown on said Official Map; thence along said south line North  $89^{\circ} 45'$  West 2641.60 feet to the point of BEGINNING.

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WATER RESOURCES  
WESTERN REGION

Containing 96.37 acres, more or less.

SUBJECT TO existing easements for public utilities for railroads and pipelines, and canals, and to rights of the public in the platted but not constructed streets in Jerome's Addition to the City of Mountain Home; and subject to usage right of Mountain Home Irrigation District for irrigation laterals and primary ditch.

TO HAVE AND TO HOLD the Property together with all the privileges and appurtenances thereto belonging, unto Grantee, its successors and assigns, forever.

The Grantee covenants for itself, its heirs, successors, and assigns and every successor in interest to the Property hereby conveyed, or any part thereof, that the said Grantee and such heirs, successors, and assigns shall not discriminate upon the basis of race, color, religion, or national origin in the use, occupancy, sale, or lease of the Property, or in their employment practices conducted thereon. This covenant shall not apply, however, to the lease or rental of a room or rooms within a family dwelling unit; nor shall it apply with respect to religion to premises used primarily for religious purposes. The United States of America shall be deemed a beneficiary of this covenant without regard to whether it remains the owner of any land or interest therein in the locality of the Property hereby conveyed and shall have the sole right to enforce this covenant in any court of competent jurisdiction.

The Property was both duly determined to be surplus to the needs and requirements of the United States of America and assigned to General Services Administration for disposal pursuant to authority contained in the said Federal Property and Administrative Services Act as amended, and applicable orders and regulations promulgated thereunder.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed as of August 17, 1970.

UNITED STATES OF AMERICA  
Acting by and through the  
Administrator of General Services

By V L Barnes  
Chief, Real Property Division  
Property Management and Disposal Service

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MAY 27 2014

WATER RESOURCES  
WESTERN REGION

STATE OF WASHINGTON)  
COUNTY OF KING ) ss  
)

On this 19th day of October, 1970, before the undersigned, a Notary Public in and for the State of Washington, personally appeared V. L. Barnes, to me known to be the Chief, Real Property Division, Property Management and Disposal Service, General Services Administration, Region 10, and to me known to be the individual described in and who executed the foregoing instrument and who under oath stated that he was duly authorized, empowered and delegated by the Administrator of General Services to execute the said instrument and acknowledged the foregoing instrument to be his free and voluntary act and deed, acting for and on behalf of the Administrator of General Services, acting for and on behalf of the United States of America, for the uses and purposes therein mentioned.

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

Robert Douglas Green  
Notary Public in and for the State of  
Washington, residing at Federal Way

144136

**FILMED**

Direct ☒  
Reverse ☒  
Reception ☒

STATE OF IDAHO, { ss.  
County of Elmore }

I hereby certify that this instrument was filed for record at request of Frank Pearce at 43 minutes past 3:00 o'clock P. M., this 22 day of October A.D., 19 70 in my office, and duly recorded in Book 59 of Deeds at Page 71

By W. H. Trail Ex-Officio Recorder,  
R. J. [Signature] Deputy.

Fees \$ 3.00

Mail to City Mr. Home

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MAY 27 2014

WATER RESOURCES  
WESTERN REGION

QUITCLAIM DEED

The UNITED STATES OF AMERICA, acting by and through the Administrator of General Services under and pursuant to the powers and authority contained in applicable provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, and regulations and orders promulgated thereunder (hereinafter designated as "Grantor"), for and in consideration of the sum of Ten Dollars and other good and valuable consideration, does hereby remise, release and forever quitclaim to the CITY OF MOUNTAIN HOME, a municipal corporation of the State of Idaho, (hereinafter designated as "Grantee"), and its assigns, all of Grantor's right, title and interest in and to the following described property (hereinafter designated as "Property") situated in Elmore County, State of Idaho:

A tract of land situate in Elmore County, Idaho, in Section 23, Township 3 South, Range 6 East, Boise Meridian, in the Jerome Subdivision, being Lots No. 11, 40 and 43, entire, and so much of Lots 1, 5, 6, 7, 8, 12, 33, 34, 37, 38, 39 and 44 as lie southwest of Union Pacific Railway Right-of-way as shown on the Official City of Mountain Home Map, as drawn by Johnson & Underkofler Consulting Engineers, Mountain Home, Idaho, and on Mountain Home Air Force Base Real Estate Drawing No. 0-33-32.1, sheet 3 of 3, latest revision 11 May 1953, a Corps of Engineers furnished map, together with so much of the adjacent 60 feet wide streets and 15 feet wide alleys as lie between their respective centerlines and the said lots, excepting Tenth North Street as hereinafter delineated, more particularly described as follows:

Beginning at a point in the south line of said Section 23, a line common with Section 26, and lying approximately 3429 feet easterly from the southwest corner of said Section 23, a corner common to Sections 22, 23, 26 and 27 of said township and range, on a bearing of S. 89° 45' E., the same being the intersection of the said southline of Section 23 and the southwesterly property line of said Union Pacific Railway Right-of-way; thence northwesterly on a curvilinear course of unknown properties along the said Right-of-way property line a distance of approximately 3750 feet to the centerline of Fifteenth North Street, as shown on the said Official City of Mountain Home Map, the same being the most northerly point common to government fee lands, situate in the said Section 23 and the Union Pacific Railway Right-of-way; thence due West along the centerline of said Fifteenth North Street a distance of approximately 365 feet to the centerline of a north/south street unnamed on the said Official City Map; thence due South along the centerline of said unnamed street a distance of 657.24 feet to the centerline of Fourteenth North Street as shown on said Official City Map; thence due East along centerline of Fourteenth North Street a distance of 660.4 feet to the centerline of Mellen Street, as shown on said Official City Map; thence due South along said centerline of Mellen Street, a distance of 657.24 feet to the Centerline of Twelfth North Street, as shown on said Official City Map; thence due East along said centerline of Twelfth North Street a distance of 660.4 feet to the Centerline of Bradford Street as shown on said Official City Map; thence due South along said centerline of Bradford Street a distance of 657.24 feet to the centerline of Eleventh North Street, as shown on said Official City Map; thence due East along the said centerline of Eleventh North Street a distance of 660.4 feet

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WATER RESOURCES  
WESTERN REGION

to the centerline of Jerome Street as shown on said official city map; thence due South along said centerline of Jerome Street a distance of 688.12 feet to the south line of Tenth North Street as shown on said official city map, the same being the said south line of Section 23, at a point 2641.6 feet easterly from the said southwest corner of Section 23 on a bearing of S. 89° 45' E.; thence on the said bearing along the south line of Tenth North Street and the said south line of Section 23 a distance of approximately 787.4 feet to an intersection with the southwesterly property line of said Union Pacific Railway Right-of-way, the same being the Point of Beginning;

SUBJECT TO:

Existing easements for public roads and highways, for public utilities, railroads and pipelines.

Rights of the public in the platted but not constructed streets in Jerome's Addition to the City of Mountain Home.

Usage right of Mountain Home Irrigation District for irrigation laterals and primary ditch.

TO HAVE AND TO HOLD the Property together with all the privileges and appurtenances thereto belonging, unto Grantee and its assigns, forever.

The Property was both duly determined to be surplus to the needs and requirements of the United States of America and assigned to General Services Administration for disposal pursuant to authority contained in the said Federal Property and Administrative Services Act as amended, and applicable orders and regulations promulgated thereunder.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed as of April 18, 1963.

UNITED STATES OF AMERICA  
Acting by and through the  
Administrator of General Services

By   
Chief, Real Property Division  
Utilization and Disposal Service

WATER RESOURCES  
WESTERN REGION

Robert Douglas Green  
Notary Public in and for the State of  
Washington, residing at Federal Way

city of Martin Home

## Grimm, Angie

---

**From:** Grimm, Angie  
**Sent:** Wednesday, May 07, 2014 8:50 AM  
**To:** 'Wayne Shepherd'  
**Cc:** Tom Rist; Charles G. Brockway; James Bledsoe; Westra, John  
**Subject:** RE: Protest on Transfer #78273

Good morning Wayne!

I apologize for the delay in responding to your email, been a hectic few work days. We received Jim Carrie's withdrawal of protest on May 1. The next step is to amend the application per my discussion with Chuck Brockway on 3/24/14.

On 12/11/13 I sent a letter requesting access information for a proposed point of diversion (POD) in the NW NW Sec 26 T3S R6E referred to as the "Triangle N. of #13". On 3/7/14, I spoke with Chuck regarding this information request. He indicated at that time he'd ask you for the information and get back to me. On 3/24/14, I spoke with Chuck again, at which time he indicated an amendment to the transfer application [POD supplement page and map(s)] would be submitted to change the proposed POD from the NW NW Sec 26 T3S R6E to the SE SE Sec 22 T3S R6E [property owned by the City of Mountain Home (City)]. I have not received this amendment. As soon as this issue is addressed I will proceed with processing of the application.

Please let me know if you have any questions. I look forward to your response.

Sincerely,

Angela M. Grimm, P.G.  
Water Resources Agent, Sr.  
IDWR - Western Region  
2735 Airport Way  
Boise, ID 83705-5082  
(208) 334-2190 phone  
(208) 334-2348 fax

---

**From:** Wayne Shepherd [<mailto:WayneShepherd@mountain-home.us>]  
**Sent:** Friday, May 02, 2014 3:16 PM  
**To:** Grimm, Angie  
**Cc:** Tom Rist; Charles G. Brockway; James Bledsoe  
**Subject:** Protest on Transfer #78273

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MAY 02 2014

WATER RESOURCES  
WESTERN REGION

Angie: We understand that Jim Carrie, who was protesting the Brown Transfer (#78273) delivered a letter to IDWR withdrawing his protest. I have attached a copy of this letter to this email. Is there more that needs to be done regarding this protest? What is the next step in our transfer application process assuming that the protest has now been resolved? Thanks,

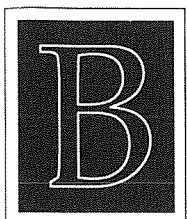
**L. Wayne Shepherd, P.E.**

Director of Public Works  
City of Mountain Home  
Office: (208)587-2108

Cell: (208) 599-0487



[wshepherd@mountain-home.us](mailto:wshepherd@mountain-home.us)



**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

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FEB 27 2014

WATER RESOURCES  
WESTERN REGION

February 25, 2014

Angela M. Grimm  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, ID 83705-5082

Re: City of Mountain Home irrigated area analysis

Dear Ms. Grimm:

This letter is being submitted pursuant to Condition No. 5 on Transfer No. 72128, which requires an analysis of irrigation within the City of Mountain Home from the potable water system.

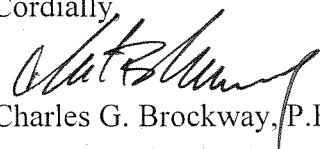
The methodology approved for Transfer No. 72128 was utilized for this analysis. Residential lots within the City were divided into three categories of lot types and sizes. A representative sample of parcels was selected from each category, and the irrigated area delineated for the samples using the 2013 FSA aerial photo. The average irrigated area per lot was calculated from the samples. This average was then applied to the total number of parcels in each category.

In addition to the sampling approach described above, irrigation on large parcels was delineated using the 2013 photo. All of these lots were delineated individually; i.e. no sampling was done.

The attached aerial map shows, in yellow, the large parcels individually delineated and the sampling of residential lots in the three size categories. The attached spreadsheet shows the results of this analysis. Current irrigation was calculated to be 924 acres. Irrigation with build-out of current platted lots was calculated to be 980 acres.

Please let me know if any additional information is needed to satisfy this requirement.

Cordially,

  
Charles G. Brockway, P.E.

Enc. Map and spreadsheet  
Cc: Wayne Shepherd

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

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

2016 NORTH  
WASHINGTON  
STREET • SUITE 4

TWIN FALLS,  
IDAHO 83301

208•736•8543

FAX: 736•8506

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WATER RESOURCES  
WESTERN REGION

# City of Mountain Home Irrigated Area Estimation

Sampling procedure as per 2005 transfer approval, using 2013 photo

Brockway Engineering, PLLC

ALR - FEB. 25..2014

|                                            | No. of<br>Samples | No. of<br>Lots | Average<br>irrig / lot | Total<br>irrig (ac) |
|--------------------------------------------|-------------------|----------------|------------------------|---------------------|
| Old city lots irrigated (25 x 100 typ.)    | 14                | 861            | 0.09                   | 77.5                |
| Average size lot irrigated (75 x 115 typ.) | 20                | 3696           | 0.15                   | 554.4               |
| Large lot size irrigated (140 x 140 typ.)  | 5                 | 181            | 0.38                   | 68.8                |
| Old city lots unirrigated                  | 14                | 0              | 0.09                   | 0.0                 |
| Average size lot unirrigated               | 20                | 334            | 0.15                   | 50.1                |
| Large lot unirrigated                      | 5                 | 15             | 0.38                   | 5.7                 |

|                                    |       |
|------------------------------------|-------|
| Irrigated open lots (1)            | 97.0  |
| Irrigated parks, schools, etc. (2) | 126.5 |

## CURRENT IRRIGATION 2013

|              |       |
|--------------|-------|
| Residential  | 700.7 |
| Large parcel | 223.5 |
| Grand total  | 924.2 |

## IRRIGATION WITH FULL BUILD-OUT OF CURRENT LOTS

|              |       |
|--------------|-------|
| Residential  | 756.5 |
| Large parcel | 223.5 |
| Grand total  | 980.0 |

(1) Includes miscellaneous larger private lots irrigated without homes

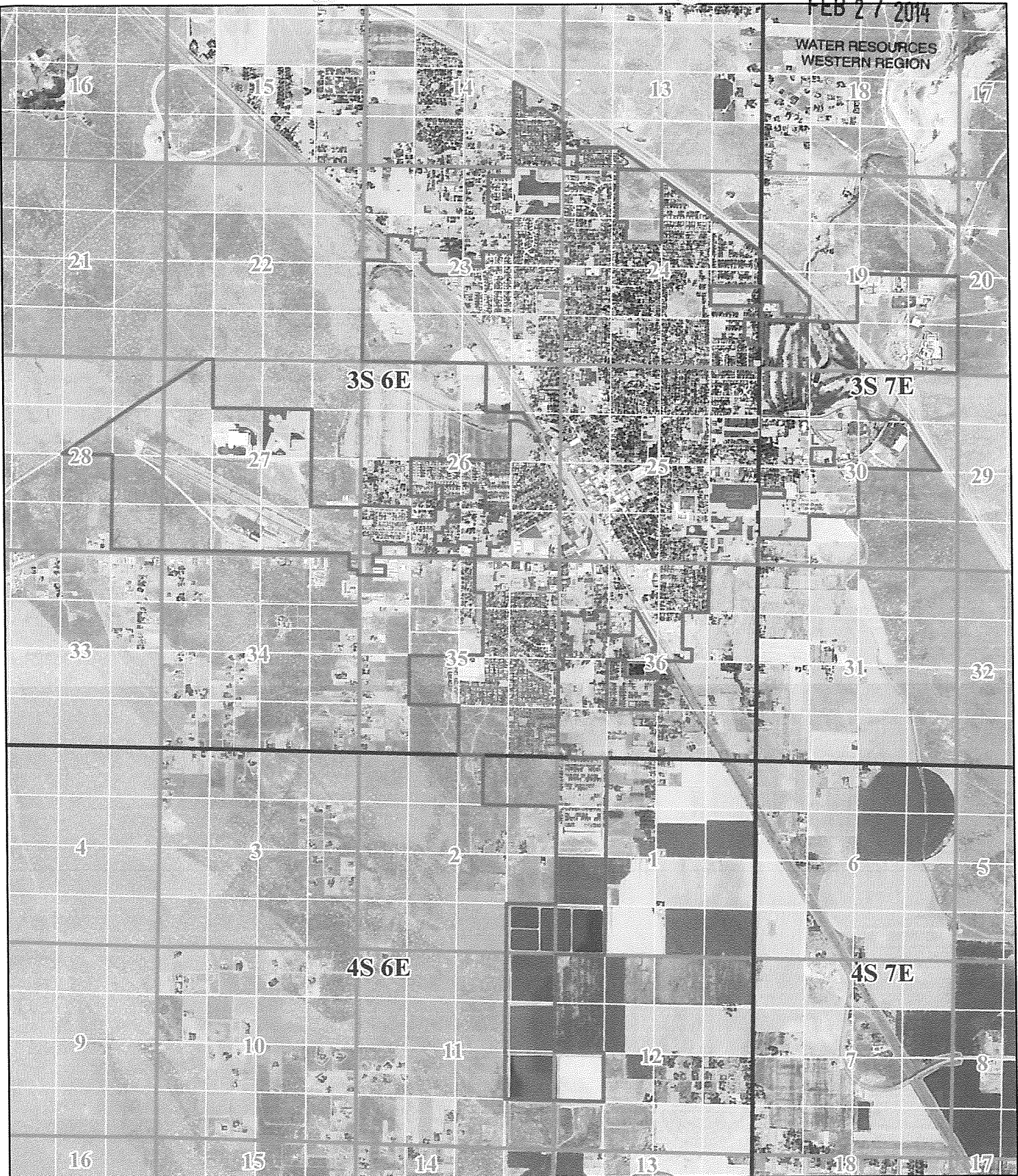
(2) Generally, City-owned large parcels

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Path: F:\Projects\Mountain Home - Brown transfer\Arcview Maps\Irrigation anlysis 2013.mxd

FEB 27 2014

WATER RESOURCES  
WESTERN REGION



0 1,750 3,500 7,000 Feet

**CITY OF MOUNTAIN HOME  
IRRIGATION ANALYSIS 2013  
NAIP 2013 AERIAL PHOTO.**

**Legend**

- City Boundary Limits
- 2013\_Irrigation\_analysis\_
- twnshp
- first
- last



## MEMORANDUM

Type: In Office Conversation

Telephone

Meeting Notes

Follow-up

Log of Events

Other \_\_\_\_\_

To: Transfer. 78273 MTN Home

From: J. Westra, Western Reg.

Date: 2/4/14

RE: Contested Application

2/4/14 Wayne Shepard, Engineer City of MTN Home

Will negotiate with protestant directly. When exhausted Mr. Shepard will contact the Department to schedule a pre-hearing conference. Response OK.