

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79477**

This is to certify that: INTERMOUNTAIN LUTHERAN CAMP ASSOC
C/O LUTHER HEIGHTS CAMP
ALTURAS LAKE
HC 64 BOX 9381
KETCHUM, ID 83340
AND
UNITED STATES OF AMERICA ACTING ON BEHALF OF THE
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE, ID 83724

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>
71-4024	WR/DECREED	7/1/1951	0.020 cfs	N/A	N/A	N/A	LUTHER HEIGHTS SPRING

Purpose of Transfer (Changes Proposed)

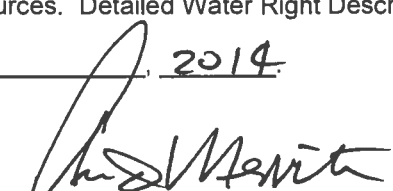
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
71-4024	NO	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
71-4024	71-4024	0.020 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.020 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 17th day of September, 2014.


Southern Region Manager

WATER RIGHT NO. 71-4024**As Modified by Transfer No. 79477**

In accordance with the approval of Transfer No. 79477, Water Right No. 71-4024 is now described as follows:

Right Holder: INTERMOUNTAIN LUTHERAN CAMP ASSOC
C/O LUTHER HEIGHTS CAMP
ALTURAS LAKE
HC 64 BOX 9381
KETCHUM, ID 83340
AND
UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE, ID 83724

Priority Date: 7/1/1951

Source: LUTHER HEIGHTS SPRING **Tributary:** SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
DOMESTIC	6/01	to 10/31	0.020 cfs 0.020 cfs

LOCATION OF POINT(S) OF DIVERSION

LUTHER HEIGHTS SPRING SENENW Sec 19 Twp 07N Rge 14E BLAINE County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	14E	18															X	X	

CONDITIONS OF APPROVAL

1. The quantity of water under this right shall not exceed 13,000 gallons per day.
2. The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.71.

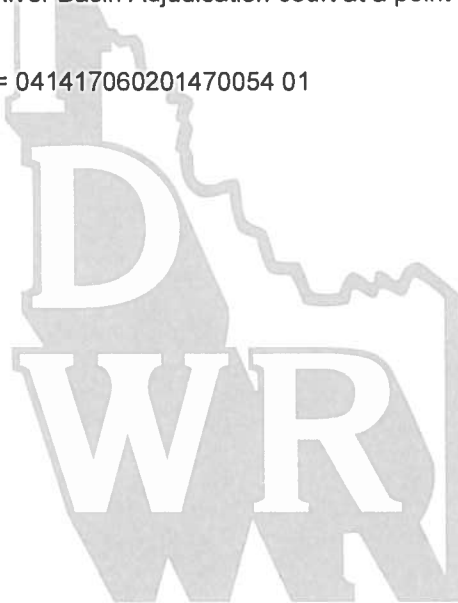
Transfer No. 79477

WATER RIGHT NO. 71-4024

As Modified by Transfer No. 79477

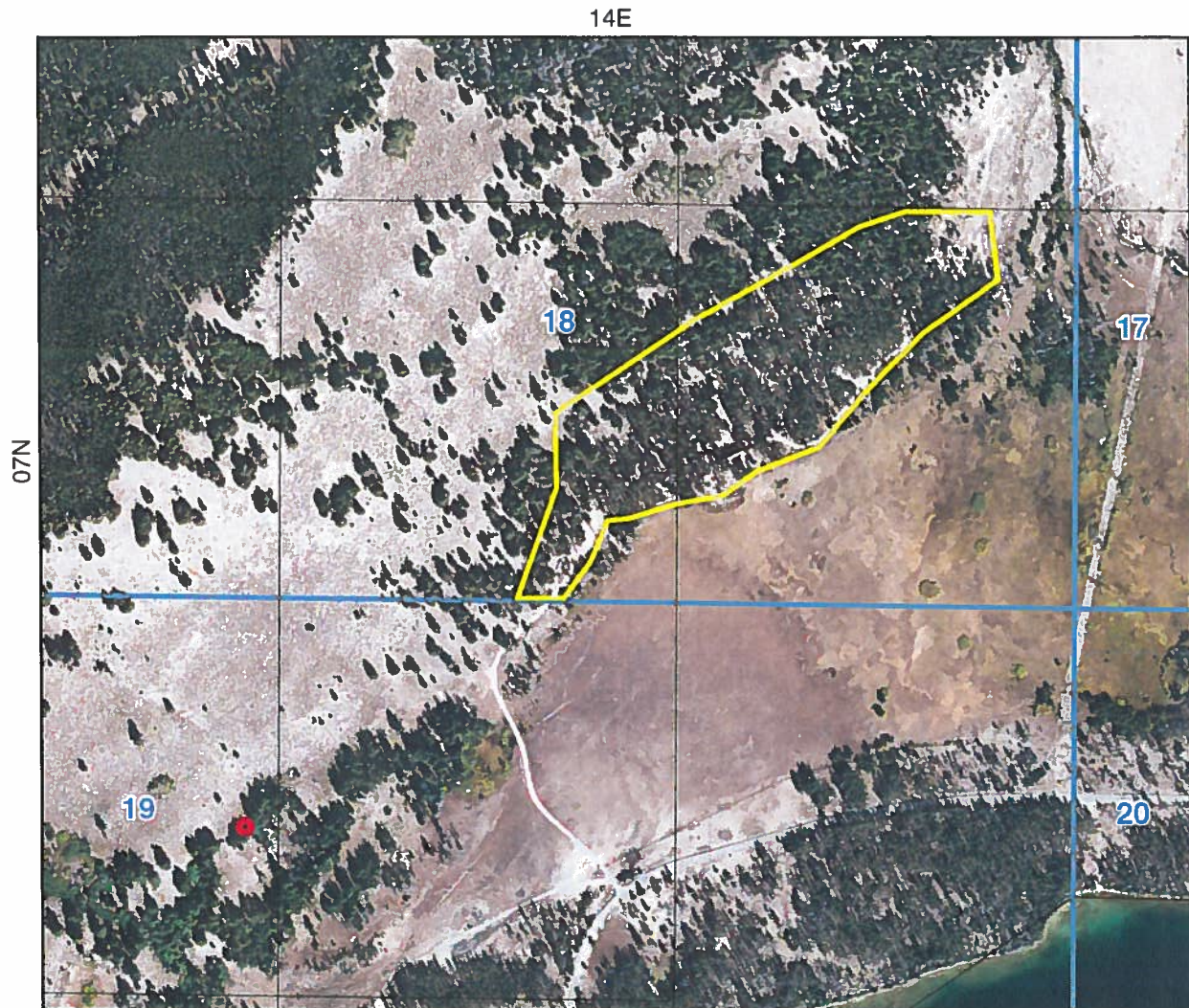
CONDITIONS OF APPROVAL

5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.
8. Forest Service Record ID = 041417060201470054 01



State of Idaho
Department of Water Resources
Attachment To Transfer No. 79477
Right: 71-4024

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.05 0.1 0.2 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 18, 2014

INTERMOUNTAIN LUTHERAN CAMP ASSOC
C/O LUTHER HEIGHTS CAMP
ALTURAS LAKE
HC 64 BOX 9381
KETCHUM ID 83340

UNITED STATES OF AMERICA ACTING ON BEHALF OF
THE USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

Re: Transfer No: 79477
Water Right No(s): 71-4024

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

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

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

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

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is stylized with a large initial "A" and a cursive "Merritt".

Allen Merritt
Southern Regional Manager

Enclosure

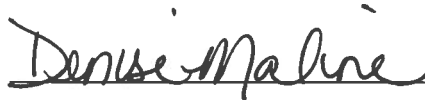
CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 79477
Water Right No(s): 71-4024**

**INTERMOUNTAIN LUTHERAN CAMP ASSOC
C/O LUTHER HEIGHTS CAMP
ALTURAS LAKE
HC 64 BOX 9381
KETCHUM ID 83340**

**UNITED STATES OF AMERICA ACTING ON BEHALF OF
THE USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724**

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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



State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 18, 2014

NICK MILLER WATERMASTER
WATER DISTRICT # 170
322 E FRONT ST
PO BOX 83720
BOISE, ID 83720-0098

Via e-mail

Re: **APPROVED Transfer No. 79477 (Intermountain Lutheran Camp Assn.
&/or USDA Forest Service)**

Dear Nick:

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

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

Sincerely,

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

Denise Maline
Administrative Assistant

Enclosure



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Governor

GARY SPACKMAN
Director

September 18, 2014

JAN SKRUKRUD WATERMASTER
WATER DISTRICT # 71
PO BOX 203
STANLEY, ID 83278

Re: **APPROVED** Transfer No. 79477 (Intermountain Lutheran Camp Assn.
&/or USDA Forest Service)

Dear Ms. Skrukud:

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

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

Sincerely,

Denise Maline
Administrative Assistant

Enclosure

MEMORANDUM

Date: ~~August 5, 2014~~ ^{Sept. 3}
To: Transfer 79477 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application proposes changing the legal description of the POD for a 0.02 cfs domestic surface water right, 71-4024, to more accurately reflect the POD's location. Changed POD is located 20 miles south and 2.9 miles east of the intersection of Hwy 21 and Hwy 75 in Stanley.

Water Right 71-4024 is a domestic right diverted from Lutheran Height Springs and is utilized approximately a ¼ mile to the northeast at the Lutheran Heights Organization Camp. Research indicates that the Notice of a Claim to a Water Right was initially filed describing the POD in the SWSWSE, Sec 19, Twp 07N, Rng 14E, and the claim was eventually decreed as filed. Application for transfer more accurately describes the POD as located in the SENENW, Sec 19, Twp 07N Rng 14E.

POD is located within Water District 170 and Sub-Water District 71, watermaster comments were solicited and no comments were received.

Since the application only proposes a paper change and not an actual physical change, it is recommended that the application be processed without advertising.

- **Authority to File:** Applicant Eric Olsen is listed as the registered agent for the Intermountain Lutheran Camp Association, INC. on the 2014 annual report submitted to the Idaho Secretary of State and Kathryn J. Conant is the Director for the Intermountain Region of the U.S. Forest Service Lands and Minerals Division.
- **Water Right Validity:** Water right 45-7641 was decreed in the SRBA on 3/2/1998. This domestic right has been in use at camp since the priority date of July 1, 1951.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**
None Anticipated.

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