

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78737

This is to certify that: CITY OF CHALLIS
PO BOX 587
CHALLIS, ID 83226

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>
72-7117	WR/DECREED	1/19/1981	2.730 cfs	N/A	N/A	N/A	GROUND WATER
72-7167	WR/DECREED	11/4/1981	0.380 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

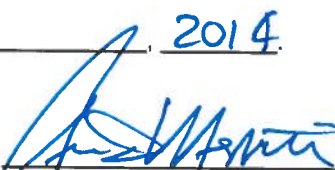
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
72-7117	NO	NO	NO	YES	NO	NO
72-7167	NO	YES	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
72-7117	72-7117	2.730 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
72-7167	72-7167	0.380 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		3.110 cfs	0.0 af	0.0	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 22nd day of August, 2014.


Southern Region Manager

SUPPORT DATA

IN FILE # 72-7117

Transfer No. 78737

WATER RIGHT NO. 72-7117

As Modified by Transfer No. 78737

In accordance with the approval of Transfer No. 78737, Water Right No. 72-7117 is now described as follows:

Right Holder: CITY OF CHALLIS
PO BOX 587
CHALLIS, ID 83226

Priority Date: 1/19/1981

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	1/01	to 12/31	2.730 cfs 2.730 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNE	Sec 32 Twp 14N Rge 19E	CUSTER County
GROUND WATER	NENW	Sec 32 Twp 14N Rge 19E	CUSTER County
GROUND WATER	SENE	Sec 32 Twp 14N Rge 19E	CUSTER County
GROUND WATER	SENE	Sec 33 Twp 14N Rge 19E	CUSTER County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Challis municipal water supply system as provided for under Idaho Law.
2. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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. 170.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Transfer No. 78737

WATER RIGHT NO. 72-7167

As Modified by Transfer No. 78737

In accordance with the approval of Transfer No. 78737, Water Right No. 72-7167 is now described as follows:

Right Holder: CITY OF CHALLIS
PO BOX 587
CHALLIS, ID 83226

Priority Date: 11/4/1981

Source: GROUND WATER

BENEFICIAL USE
MUNICIPAL

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

Diversion Rate
0.380 cfs
0.380 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNE	Sec 32 Twp 14N Rge 19E	CUSTER County
GROUND WATER	NENW	Sec 32 Twp 14N Rge 19E	CUSTER County
GROUND WATER	SENE	Sec 32 Twp 14N Rge 19E	CUSTER County
GROUND WATER	SENE	Sec 33 Twp 14N Rge 19E	CUSTER County

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Transfer No. 78737

Attachment To Water Right Transfer 78737

72-7177 and 72-7167

This figure is an aerial photograph of a study area in the Tropic of Cancer region. A yellow-outlined polygon delineates the study area, which includes a large urban center (Tropic) and surrounding agricultural fields. The map is bounded by 15E to 16E longitude and 10S to 10S latitude.

A horizontal number line representing distance in miles. The line starts at 0 and ends at 1.7. There are tick marks at 0, 0.425, 0.85, and 1.7. The segment between 0 and 0.425 is shaded light blue.

 Water Service Area Boundary



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

August 25, 2014

CITY OF CHALLIS
PO BOX 587
CHALLIS ID 83226

Re: Transfer No: 78737
Water Right No(s): 72-7117, 72-7167

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 fluid and cursive, with a large initial "A" and "M".

Allen Merritt
Southern Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 78737

Water Right No(s): 72-7117, 72-7167

**CITY OF CHALLIS
PO BOX 587
CHALLIS ID 83226**

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

**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 25, 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. 78737 (City of Challis)**

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". The signature is written in black ink and is positioned above the printed name and title.

Denise Maline
Administrative Assistant

Enclosure

Aug. 18, 2014

MEMORANDUM

Date: ~~July 1, 2014~~
To: Transfer 78737 File
From: Nathan Erickson
Re: Evaluation of Sufficiency of Information Submitted

Transfer proposes drilling a replacement well for the City of Challis and updating water rights 72-7167 and 72-7117 to show all four wells on each right. The new well is located on the City of Challis golf course and is used for municipal water within the City of Challis. The well to be replaced is currently under water right 72-7167. There is a large place of use for the rights which has previously been identified as the lands within the City of Challis, through this transfer the City has provided a map showing the City's boundaries and a large place of use boundary has been created. It is recommended that this transfer be processed with a public notice and protest period.

- **Authority to File:** The City of Challis is the recorded owner of the water rights.
- **Water Right Validity:**
Water rights 72-7167 and 72-7117 were decreed in December of 2000. Review of aerial photography appears to support recent use of the rights.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No negative impact anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on Economy of the Local Area:**
None anticipated.
- **Effect of the Agricultural Base of the Local Area:**
None anticipated.

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

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Susan Callahan, representing the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated 7/17 2014 and ending with the issue dated 7/24 2014

Susan Callahan

STATE OF IDAHO)

COUNTY OF CUSTER)

On this 28th day of July in the year of 2014, before me, a Notary Public,

personally appeared Susan Callahan, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Rina Sue Tappan

Notary Public for Idaho

Residing at Challis, ID

My commission expires: 12-8-14

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 78737

CITY OF CHALLIS, PO BOX 587, CHALLIS, ID 83226; has filed Application No. 78737 for changes to the following water rights within CUSTER County(s): Right No(s). 72-7117, 72-7167; to see a full description of these rights and the proposed transfer, please visit our website at www.idwr.idaho.gov and search under New Water Right Applications. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes drilling a replacement well for the City of Challis and updating Municipal water rights 72-7167(0.38 cfs) and 72-7117(2.73 cfs) to include all the wells in the City's system on each right. The replacement well is located within the City of Challis golf course. This is a re-advertisement of the proposed transfer. Application for Transfer has been amended to reflect relocation of point of diversion.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before August 4, 2014. The protestant must also send a copy of the protest to the applicant.

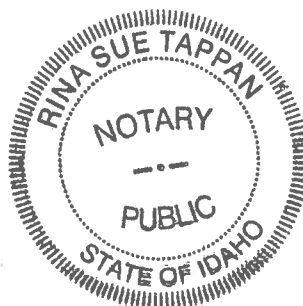
GARY SPACKMAN, Director
Published July 17 and 24,

2014

RECEIVED

AUG 11 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION



✓ OK DM 8/11/2014