

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79154

This is to certify that: DEBORAH L MCLAM AND
MATT A MCLAM
PO BOX 253
FAIRFIELD, ID 83327

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>
37-22860	WR/LICENSE	7/16/1987	1.760 cfs	442.6 af	N/A	126.5	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<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>
37-22863	WR/DECREED	8/24/1981	2.130 cfs	366.0 af		122.0	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>
37-22860	NO	YES	YES	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>
37-22860	37-22860	1.760 cfs	442.6 af	N/A	126.5	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.760 cfs	442.6 af	N/A	126.5		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 21st day of April, 2014.

SUPPORT DATA

IN FILE # 37-22860 Southern Region Manager

Transfer No. 79154

SCANNED

APR 28 2014

WATER RIGHT NO. 37-22860**As Modified by Transfer No. 79154**

In accordance with the approval of Transfer No. 79154, Water Right No. 37-22860 is now described as follows:

Right Holder: DEBORAH L MCLAM And
MATT A MCLAM
PO BOX 253
FAIRFIELD, ID 83327

Priority Date: 7/16/1987

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/15	1.760 cfs	442.6 af
			1.760 cfs	442.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESWSE Sec 29 Twp 01S Rge 14E CAMAS County

PLACE OF USE: IRRIGATION

				NE				NW				SW				SE				Totals
Twp	Rng	Sec		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	14E	29		10.6	26.0	39.0	30.0				4.4	2.2				1.6	12.7			126.5

POU Total Acres: 126.5

CONDITIONS OF APPROVAL

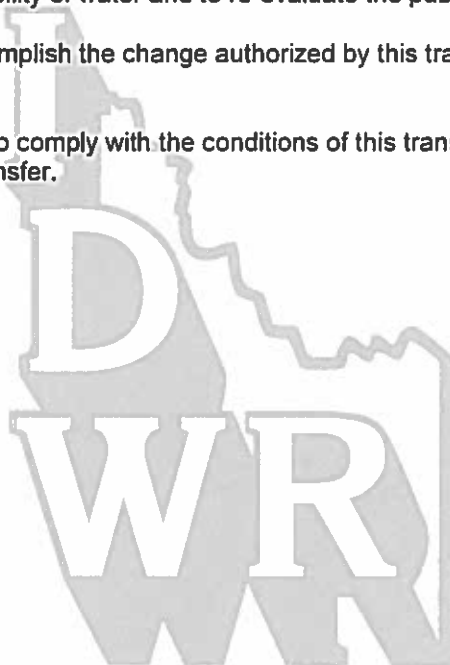
1. Rights 37-22860 and 37-22863 when combined shall not exceed a total diversion rate of 3.89 cfs, a total annual maximum diversion volume of 808.6 af at the field headgate, and the irrigation of 248.5 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
3. 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. 37B.
4. 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 diversion(s).

WATER RIGHT NO. 37-22860

As Modified by Transfer No. 79154

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
6. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



WATER RIGHT NO. 37-22863**As Modified by Transfer No. 79154**

In accordance with the approval of Transfer No. 79154, Water Right No. 37-22863 is now described as follows:

Right Holder: DEBORAH L MCLAM And
MATT A MCLAM
PO BOX 253
FAIRFIELD, ID 83327

Priority Date: 8/24/1981

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	2.130 cfs	366.0 af
			2.130 cfs	366.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESWSE Sec 29 Twp 01S Rge 14E CAMAS County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	14E	29				1.2					0.1				37.4	26.3	21.0	36.0	122.0

POU Total Acres: 122.0

CONDITIONS OF APPROVAL

1. Rights 37-22860 and 37-22863 when combined shall not exceed a total diversion rate of 3.89 cfs, a total annual maximum diversion volume of 808.6 af at the field headgate, and the irrigation of 248.5 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
3. 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. 37B.
4. 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 diversion(s).
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 79154

WATER RIGHT NO. 37-22863

As Modified by Transfer No. 79154

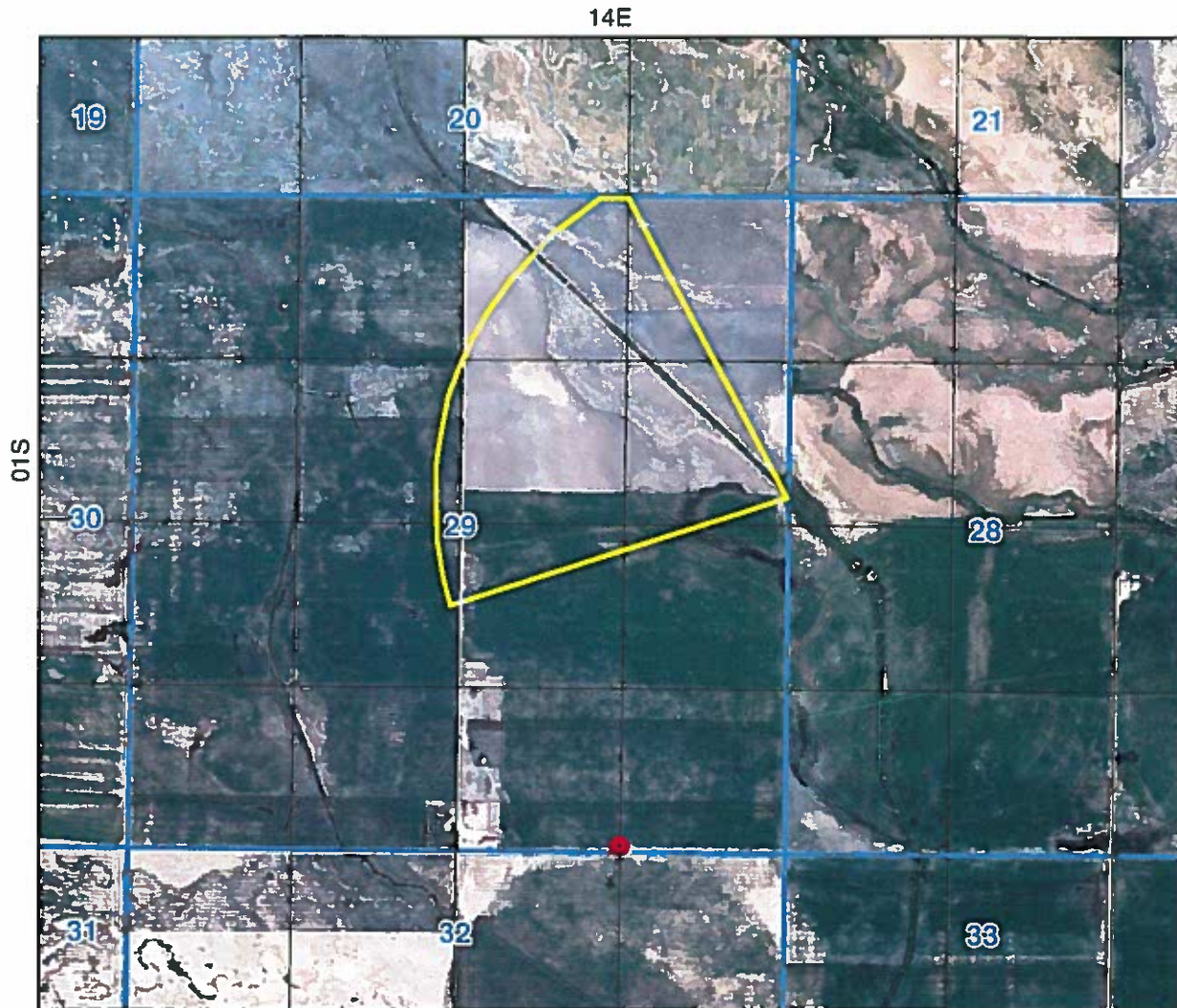
CONDITIONS OF APPROVAL

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.



State of Idaho
Department of Water Resources
Attachment To Transfer No. 79154
37-22860

This map depicts the IRRIGATION 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

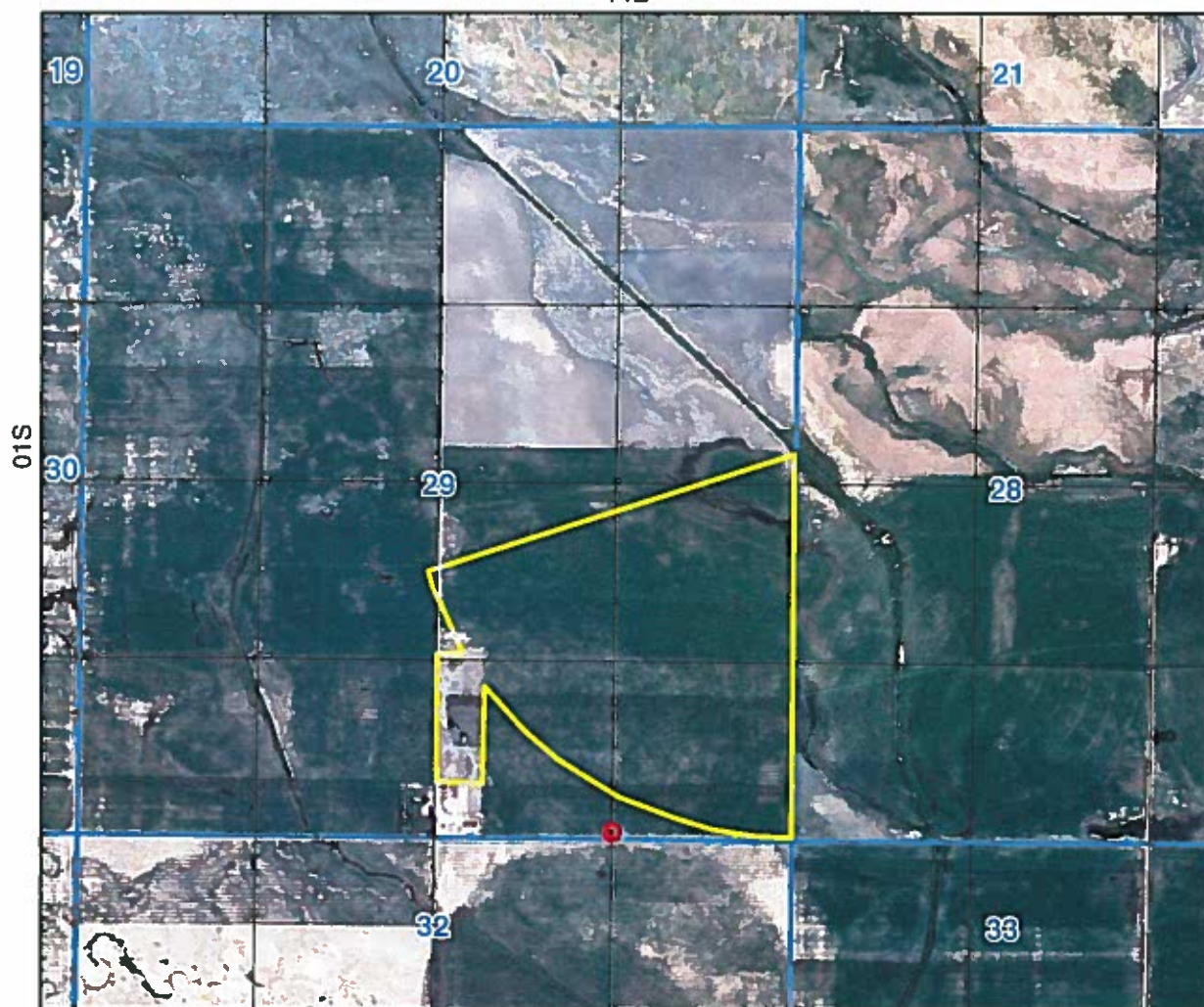
0 0.175 0.35 0.7 Miles



State of Idaho
Department of Water Resources
Attachment To Water Right
37-22863

This map depicts the IRRIGATION 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.

14E



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

0 0.15 0.3 0.6 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 21, 2014

MATT A MCLAM
DEBORAH L MCLAM
PO BOX 253
FAIRFIELD ID 83327

Re: Transfer No: 79153
Water Right No(s): 37-22861, 37-22864, 37-22866, 37-22868

Re: Transfer No: 79154
Water Right No(s): 37-22860, 37-22863

Re: Transfer No: 79155
Water Right No(s): 37-22862, 37-22865, 37-22867, 37-22869

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", with a stylized flourish at the end.

Allen Merritt
Southern Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 79153

Water Right No(s): 37-22861, 37-22864, 37-22866, 37-22868

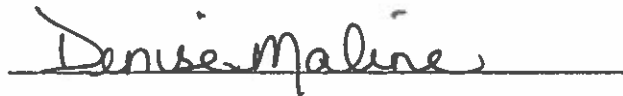
Re: Transfer No: 79154

Water Right No(s): 37-22860, 37-22863

Re: Transfer No: 79155

Water Right No(s): 37-22862, 37-22865, 37-22867, 37-22869

MATT A MCLAM
DEBORAH L MCLAM
PO BOX 253
FAIRFIELD ID 83327

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

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 21, 2014

RUSTY KRAMER WATERMASTER
WATER DISTRICT # 37-B
PO BOX 591
FAIRFIELD, ID 83327

Re: **Approved Transfer No. 79153, 79154 & 79155 (Matt & Deborah McLam)**

Dear Mr. Kramer:

For your information and records, we have enclosed a copy of the above referenced APPROVED Application(s) for Transfer 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 dark ink and is positioned above the printed name and title.

Denise Maline
Administrative Assistant

Enclosure

AFFIDAVIT OF PUBLICATION

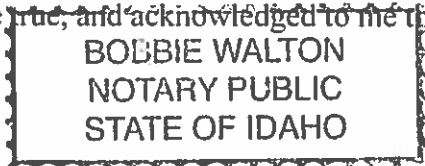
RECEIVED
APR 07 2014
DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO)
SS.
County of Camas)

Edward Reagan, being first duly sworn, deposes and says that he/she is the designated agent for the publisher of The Camas Courier, a newspaper published every week in Fairfield, County of Camas, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145, that the annexed advertisement, a copy of which is hereto attached, was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 19th day of March, 2014, and the date of the last publication was on the 26th day of March, 2014.

Edward Reagan

On this 28 day of March, in the year of 2014 before me, a Notary Public, personally appeared Edward Reagan 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/she executed the same.



Bobbie Walton
Notary Public for Idaho
Residing in Fairfield
My commission expires: 4-22-17

----- Cost of Publication

Number of lines in notice 106
Number of runs 2

Cost for advertisement: First run \$ 84.80
Additional runs \$ 74.20
Total Cost \$ 159.00

Legal ad rates: 1st or single run - \$ 0.80 pcl Additional run - \$0.70 pcl (pcl - per column line)
--

Mail payment to:
THE CAMAS COURIER
Post Office Box 339
Fairfield, Idaho 83327



✓ OK

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79153

DEBORAH L. MCLAM and MATT A. MCLAM, PO BOX 253, FAIRFIELD, ID 83327; has filed Application No. 79153 for changes to the following water rights within CAMAS County(s): Right No(s) 37-22864, 37-22866, 37-22868. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes moving three groundwater rights totaling 0.87 cfs and 77 acres from a well located approximately 1.5 miles south and 0.5 miles west of the Soldier Road and Highway 20 intersection, at the south end of Fairfield, to an existing well located approximately 2.6 miles south and 1.75 miles west of that same intersection, at the south end of Fairfield. The rights will be used to irrigate 77 acres located approximately 2.0 – 2.4 miles south and 1.5 – 2.0 miles west of the Soldier Road and Highway 20 intersection at the south end of Fairfield.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79154

DEBORAH L. MCLAM and MATT A. MCLAM, PO BOX 253, FAIRFIELD, ID 83327; has filed Application No. 79154 for changes to the following water rights within CAMAS County(s): Right No(s) 37-22860. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes moving a 1.76 cfs and 126.5 acre groundwater right from a well located approximately 2.6 miles south and 1.75 miles west of the Soldier Road and Highway 20 intersection, at the south end of Fairfield, to an existing well located approximately 3.0 miles south and 1.25 miles west of that same intersection, at the south end of Fairfield. The right will be used to irrigate 126.5 acres located approximately 2.0 – 2.6 miles south and 1.0 – 1.6 miles west of the Soldier Road and Highway 20 intersection at the south end of Fairfield.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79155

DEBORAH L. MCLAM and MATT A. MCLAM, PO BOX 253, FAIRFIELD, ID 83327; has filed Application No. 79155 for changes to the following water rights within CAMAS County(s): Right No(s) 37-22862. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes moving a 1.51 cfs and 159.0 acre groundwater right from a well located approximately 3.0 miles south and 1.25 miles west of the Soldier Road and Highway 20 intersection, at the south end of Fairfield, to an existing well located approximately 1.5 miles south and 0.5 miles west of that same intersection, at the south end of Fairfield. The right will be used to irrigate 159.0 acres within a 393 acre permissible place of use located approximately 1.0 – 2.0 miles south and 0.0 – 1.0 miles west of the Soldier Road and Highway 20 intersection at the south end of Fairfield.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and the proposed transfers, please visit our website at www.idwr.idaho.gov and search under New Water Right Applications. Protests may be submitted based on the criteria of 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 April 7, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

published on March 19th & 26th, 2014

**City of Fairfield
Surplus Property Sale**

The following item will be sold by a sealed bid by the City of Fairfield. The item is sold as is with no warranties express or implied to the highest, ready, willing and able bidder.

1980 INTL TN Fire Truck

The item may be viewed at the Camas County Sheriff's office. All bids are to be received in the City Office at 407 Soldier Road, no later than 4:00 pm, Wednesday, April 09, 2014. Recipients will be notified by Friday, April 11, 2014. Payments to be made by cash, certified bank check, or money order by Wednesday, April 16, 2014 at 4:00 pm or items will be awarded to the next highest bid. Items must be picked up at time of payment unless other arrangements are made. The City has the right to reject all bids. Contact the City Office at 208-764-2333 if you have any questions.

WOUND CENTER

**Are Wounds Keeping You
From Enjoying Life?**

If so, North Canyon Wound Center can help. We understand that when a wound fails to heal properly, it has a dramatic effect on your quality of life. You can take comfort in knowing our team utilizes the latest therapies for a successful outcome in the shortest time possible.



Working with Elk's Wound Center, we have a vast array of resources to aide in your recovery. We are experts in caring for people whose wounds have resisted traditional treatments.

If you are suffering from a non-healing wound, you're not alone and we can help.

For more information, please call

208-934-5205



**NORTH CANYON
MEDICAL CENTER**
Elk's WOUND CENTER

267 North Canyon Drive, Gooding, ID • www.ncm-c.org

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

RECEIVED
MAR 19 2014
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Transfer Application No.: 79154

Water Right No(s): 37-22860

Transfer Applicant's Name: DEBORAH MCLAM
MATT MCLAM
PO BOX 253
FAIRFIELD, ID 83327

Watermaster's Recommendation:

- a) RDK ✓ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this 17th day of March, 2014

Water District No. 37-B

Rusty Kramer

Watermaster's Signature

Rusty Kramer

Printed Name