

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78927**

This is to certify that: CITY OF GOODING
308 5TH AVE W
GOODING, ID 83330

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>
37-262A	WR/DECREED	2/22/1883	3.160 cfs	N/A	N/A	N/A	LITTLE WOOD RIVER
37-271A	WR/DECREED	6/30/1882	0.320 cfs	125.0 af	N/A	N/A	LITTLE WOOD RIVER
37-282	WR/DECREED	4/1/1877	1.000 cfs	390.7 af	N/A	N/A	LITTLE WOOD RIVER
37-662	WR/DECREED	6/15/1885	1.420 cfs	554.9 af	N/A	N/A	LITTLE WOOD RIVER
37-709A	WR/DECREED	2/22/1883	0.740 cfs	N/A	N/A	N/A	LITTLE WOOD RIVER
37-960A	WR/DECREED	4/1/1883	0.570 cfs	N/A	N/A	N/A	LITTLE WOOD RIVER

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>
37-262A	NO	YES	YES	NO	NO	YES
37-271A	NO	YES	YES	NO	NO	YES
37-282	NO	YES	YES	NO	NO	YES
37-662	NO	YES	YES	NO	NO	YES
37-709A	NO	YES	YES	NO	NO	YES
37-960A	NO	YES	YES	NO	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>
37-262A	37-262A	3.160 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
37-271A	37-271A	0.320 cfs	125.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
37-282	37-282	1.000 cfs	390.7 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
37-662	37-662	1.420 cfs	554.9 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
37-709A	37-709A	0.740 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
37-960A	37-960A	0.570 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		7.210 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 37-262A

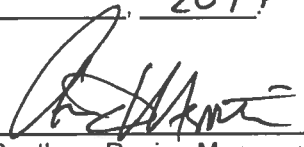
Transfer No. 78927

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78927

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 18th day of March, 2019


Southern Region Manager



WATER RIGHT NO. 37-262A
As Modified by Transfer No. 78927

In accordance with the approval of Transfer No. 78927, Water Right No. 37-262A is now described as follows:

Right Holder: CITY OF GOODING
 308 5TH AVE W
 GOODING, ID 83330

Priority Date: 2/22/1883

Source: LITTLE WOOD RIVER **Tributary:** MALAD RIVER

BENEFICIAL USE	From	To	Diversion Rate
GROUND WATER RECHARGE	03/15	to 11/15	3.160 cfs
			3.160 cfs

LOCATION OF POINT(S) OF DIVERSION

LITTLE WOOD RIVER NWNENW Sec 36 Twp 05S Rge 15E GOODING County

PLACE OF USE: GROUND WATER RECHARGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	15E	26						X	X	X	X					X			
05S	15E	27	X	X	X	X	X		X	X		X							
05S	15E	28													X	X	X	X	

CONDITIONS OF APPROVAL

1. 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. 37.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. The right holder shall maintain measuring device(s) and data logger(s) of a type approved by the Department to record water diversion and usage.
4. This right does not grant any right-of-way or easement across the land of another.
5. Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.

Transfer No. 78927

WATER RIGHT NO. 37-262A
As Modified by Transfer No. 78927

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.



WATER RIGHT NO. 37-271A
As Modified by Transfer No. 78927

In accordance with the approval of Transfer No. 78927, Water Right No. 37-271A is now described as follows:

Right Holder: CITY OF GOODING
 308 5TH AVE W
 GOODING, ID 83330

Priority Date: 6/30/1882

Source: LITTLE WOOD RIVER **Tributary:** MALAD RIVER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
GROUND WATER RECHARGE	03/15	to 11/15	0.320 cfs	125.0 af
			0.320 cfs	125.0 af

LOCATION OF POINT(S) OF DIVERSION

LITTLE WOOD RIVER NWNENW Sec 36 Twp 05S Rge 15E GOODING County

PLACE OF USE: GROUND WATER RECHARGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	15E	26						X	X	X	X					X			
05S	15E	27	X	X	X	X	X		X	X		X							
05S	15E	28													X	X	X	X	

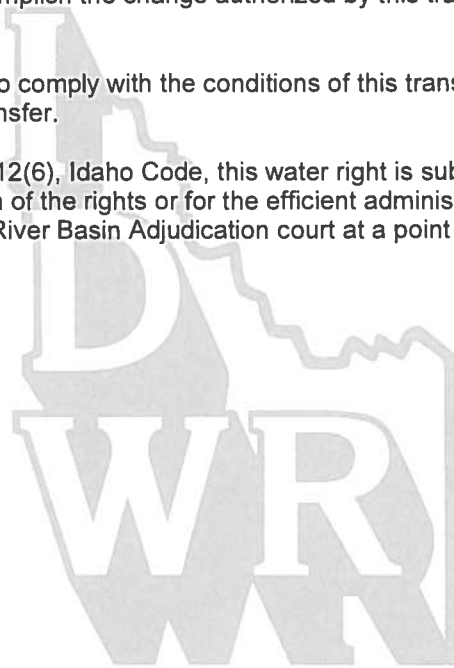
CONDITIONS OF APPROVAL

1. Rights 37-271A, 37-282, and 37-662 when combined shall not exceed a total annual maximum diversion volume of 1070.6 af.
2. 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. 37.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. The right holder shall maintain measuring device(s) and data logger(s) of a type approved by the Department to record water diversion and usage.
5. This right does not grant any right-of-way or easement across the land of another.

WATER RIGHT NO. 37-271A
As Modified by Transfer No. 78927

CONDITIONS OF APPROVAL

6. Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.
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.
9. 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.



WATER RIGHT NO. 37-282**As Modified by Transfer No. 78927**

In accordance with the approval of Transfer No. 78927, Water Right No. 37-282 is now described as follows:

Right Holder: CITY OF GOODING
308 5TH AVE W
GOODING, ID 83330

Priority Date: 4/1/1877

Source: LITTLE WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
GROUND WATER RECHARGE	03/15	to 11/15	1.000 cfs	390.7 af
			1.000 cfs	390.7 af

LOCATION OF POINT(S) OF DIVERSION

LITTLE WOOD RIVER NWNENW Sec 36 Twp 05S Rge 15E GOODING County

PLACE OF USE: GROUND WATER RECHARGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	15E	26						X	X	X	X					X			
05S	15E	27	X	X	X	X	X		X	X		X							
05S	15E	28													X	X	X	X	

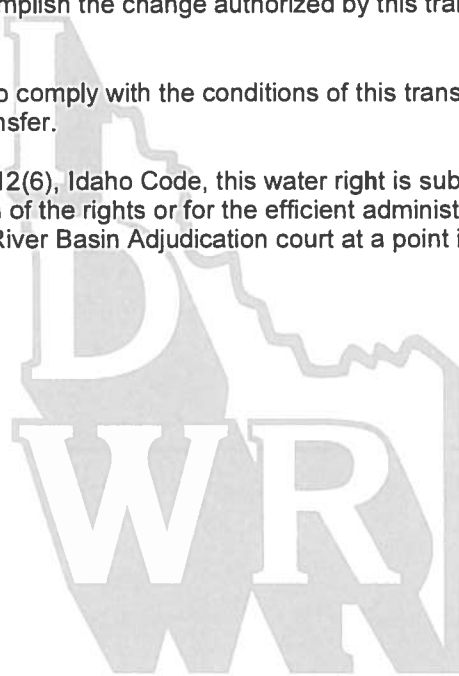
CONDITIONS OF APPROVAL

1. Rights 37-271A, 37-282, and 37-662 when combined shall not exceed a total annual maximum diversion volume of 1070.6 af.
2. 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. 37.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. The right holder shall maintain measuring device(s) and data logger(s) of a type approved by the Department to record water diversion and usage.
5. This right does not grant any right-of-way or easement across the land of another.

WATER RIGHT NO. 37-282
As Modified by Transfer No. 78927

CONDITIONS OF APPROVAL

6. Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.
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.
9. 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.



WATER RIGHT NO. 37-662**As Modified by Transfer No. 78927**

In accordance with the approval of Transfer No. 78927, Water Right No. 37-662 is now described as follows:

Right Holder: CITY OF GOODING
308 5TH AVE W
GOODING, ID 83330

Priority Date: 6/15/1885

Source: LITTLE WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

GROUND WATER RECHARGE

From

03/15

To

to 11/15

Diversion Rate

1.420 cfs

1.420 cfs

Diversion Volume

554.9 af

554.9 af

LOCATION OF POINT(S) OF DIVERSION

LITTLE WOOD RIVER

NWNENW

Sec 36 Twp 05S Rge 15E GOODING County

PLACE OF USE: GROUND WATER RECHARGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	15E	26						X	X	X	X					X			
05S	15E	27	X	X	X	X	X		X	X		X							
05S	15E	28													X	X	X	X	

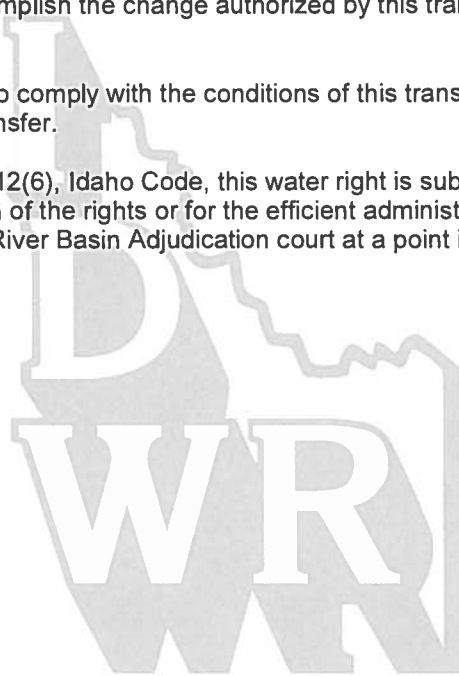
CONDITIONS OF APPROVAL

1. Rights 37-271A, 37-282, and 37-662 when combined shall not exceed a total annual maximum diversion volume of 1070.6 af.
2. 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. 37.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. The right holder shall maintain measuring device(s) and data logger(s) of a type approved by the Department to record water diversion and usage.
5. This right does not grant any right-of-way or easement across the land of another.

WATER RIGHT NO. 37-662
As Modified by Transfer No. 78927

CONDITIONS OF APPROVAL

6. Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.
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.
9. 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.



WATER RIGHT NO. 37-709A
As Modified by Transfer No. 78927

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.



WATER RIGHT NO. 37-960A
As Modified by Transfer No. 78927

In accordance with the approval of Transfer No. 78927, Water Right No. 37-960A is now described as follows:

Right Holder: CITY OF GOODING
 308 5TH AVE W
 GOODING, ID 83330

Priority Date: 4/1/1883

Source: LITTLE WOOD RIVER **Tributary:** MALAD RIVER

BENEFICIAL USE	From	To	Diversion Rate
GROUND WATER RECHARGE	03/15	to 11/15	0.570 cfs
			0.570 cfs

LOCATION OF POINT(S) OF DIVERSION

LITTLE WOOD RIVER NWNENW Sec 36 Twp 05S Rge 15E GOODING County

PLACE OF USE: GROUND WATER RECHARGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	15E	26						X	X	X	X					X			
05S	15E	27	X	X	X	X	X		X	X		X							
05S	15E	28													X	X	X	X	

CONDITIONS OF APPROVAL

1. 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. 37.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. The right holder shall maintain measuring device(s) and data logger(s) of a type approved by the Department to record water diversion and usage.
4. This right does not grant any right-of-way or easement across the land of another.
5. Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.

Transfer No. 78927

WATER RIGHT NO. 37-960A
As Modified by Transfer No. 78927

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

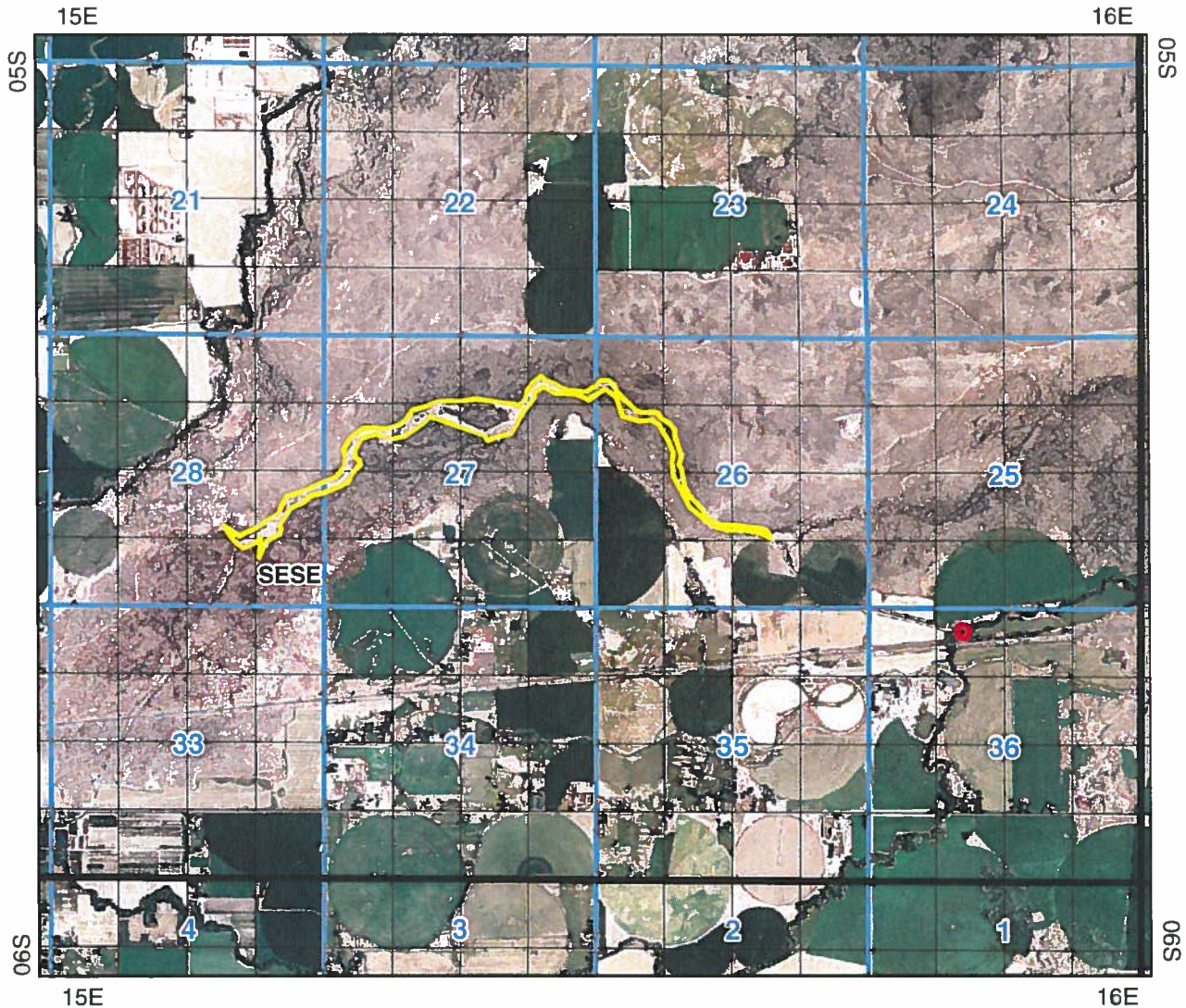


State of Idaho
Department of Water Resources

Attachment To Transfer No. 78927

Rights: 37-262A, 37-271A, 37-282, 37-662, 37-709A and 37-960A

This map depicts the GROUND WATER RECHARGE 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 0.4 0.8 1.6 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

March 24, 2014

KEVIN LAKEY WATERMASTER
WATER DISTRICT # 37
107 W 1ST ST
SHOSHONE, ID 83352

Re: **APPROVED** Transfer No. 78927 (City of Gooding)
APPROVED Permit No. 37-22850 (City of Gooding)

Re: **APPROVED** Transfer No. 78777 (Terence J Creighton Trust)
APPROVED Permit No. 37-22838 (Terence J Creighton Trust)

Re: **Approved** Transfer No. 79034 (John & Rosemary Mc Gonigal)

Dear Mr. Lakey:

For your information and records, we have enclosed a copy of an **APPROVED** Application for Transfer and **APPROVED** Application for Permit within your District.

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

Sincerely,

Denise Maline
Administrative Assistant

Enclosure



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

March 24, 2014

CINDY YENTER WATERMASTER
WATER DISTRICT # 130
650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

Hand-delivered

Re: **APPROVED Transfer No. 78927 & 78928 (City of Gooding)**
APPROVED Permit No. 37-22850 (City of Gooding)

Dear Ms. Yenter:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer(s) and APPROVED Application for Permit 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



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

March 20, 2014

CITY OF GOODING
308 5TH AVE W
GOODING ID 83330

Re: Transfer No: 78927
Water Right No(s): 37-262, 37-271, 37-282, 37-662, 37-709, 37-960

Re: Transfer No: 78928
Water Right No(s): 37-4080, 37-11221

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.

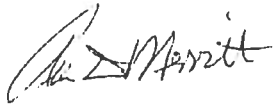
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and 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 Region Manager

Enclosure

cc:

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

CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 78927

Water Right No(s): 37-262, 37-271, 37-282, 37-662, 37-709, 37-960

Re: Transfer No: 78928

Water Right No(s): 37-4080, 37-11221

CITY OF GOODING
308 5TH AVE W
GOODING ID 83330

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

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.

M E M O R A N D U M

Date: March 11, 2014
To: Transfer 78927 File
From: Corey Skinner
Re: Limitations on Groundwater Recharge Use

Transfer # 78927, filed in the name of the City of Gooding, proposes transferring Little Wood River irrigation rights 37-709A, 37-960A & 37-262A (three rights limited to 4.47 cfs and 207 acres) and Little Wood River irrigation rights 37-271A, 37-282, and 37-662 (three rights limited to 2.74 cfs, 207 acres, and 1070.6 AFA) from irrigation use to groundwater recharge use. The six rights allow for a total diversion of 7.21 cfs for the irrigation of 538 acres (note that only rights 37-271A, 37-282, and 37-662 have a volume limitation). The groundwater recharge use proposed by this transfer provides mitigation for companion application for permit 37-22850, filed in the name of the City of Gooding, which seeks to appropriate groundwater for municipal use. After the transfer is approved, the City of Gooding can begin groundwater recharge. In the event that companion application for permit 37-22850 is not developed in its entirety, it is possible that excess groundwater recharge could occur above and beyond what is required to mitigate for permit/right 37-22850. It seems reasonable that the city could perhaps obtain some sort of recharge credit in the future under such a scenario. However, any potential recharge credit should not exceed a maximum consumptive use credit of 1846 AFA which is based on the historically maximum allowed 538 acres times a weighted precipitation deficit value of 3.43 ft/season for turfgrass (see section 5, page 4, Exhibit D, of application for permit 37-22850 file) minus any consumptive recharge volume associated with mitigating permit/right 37-22850.



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

March 4, 2013

Carleen Herring
Region IV Development
315 Falls Avenue, Evergreen Building, SIDC Wing, #C77
College of Southern Idaho Campus
Twin Falls, Idaho 83301

Dear Ms. Herring:

As you recall, you recently inquired about the status of three water right applications in the name of the City of Gooding that are under consideration with our office:

- Water Right Transfer Application # 78927 which seeks to convert 7.21 cfs of decreed irrigation rights diverted from the Little Wood River to groundwater recharge use at a location northeast of the city.
- Water Right Transfer Application # 78928 which seeks to modify the city's existing decreed municipal water rights to allow for the diversion of 7.05 cfs from three existing wells and up to three new wells to be drilled.
- Application for Permit 37-22850 which seeks to appropriate 7.21 cfs of additional groundwater for municipal use from three existing wells and up to three new wells to be drilled.

The applications have all been advertised as part of the public notice process as required by statute, with no protests of the applications being filed. In addition, our office has received the required written comments from the water masters who have jurisdictional regulating authority over the rights involved with the applications. We have also received the legal notice publishing affidavit from the newspaper indicating that the legal notice was published correctly. **Draft approvals for all three applications have been created and are awaiting final review and signature.**

When IDWR issues water right approvals, they are issued as a "Preliminary Order". Once issued, the applicant, in this case the City of Gooding, has 14 days to review and contest the approval &/or approval conditions. Assuming there are no objections, the "Preliminary Order" will become final after 14 days of the issuance of the "Preliminary Order". **Pending no unforeseen circumstances, I would anticipate that the "Preliminary Orders" for each of the three applications will be issued within the next 30 days.**

If you have any questions, or if I can be of any further assistance, feel free to contact me at your convenience.

Sincerely,

Corey Skinner, PE
Water Resource Engineer

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

Via E-mail
RECEIVED

FEB 17 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Transfer Application No.: 78927

Water Right No(s): 37-262A, 37-271A, 37-282,
37-662, 37-709A, 37-960A

Transfer Applicant's Name: CITY OF GOODING
308 5TH AVE W
GOODING, ID 83330

Watermaster's Recommendation:

- a) X 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 February, 2014
~~2013~~

Water District No. 37

Kevin Lakey

Watermaster's Signature

Kevin Lakey

Printed Name

Affidavit of Publication
STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

RECEIVED
FEB 14 2014
DEPT. OF WATER RESOURCES
SOUTHERN REGION

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twins Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 6th day of February, 2014 and ending with the issue dated 13th day of February, 2014

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.

Ruby Aufderheide
Ruby Aufderheide, Legal Clerk

STATE OF IDAHO
COUNTY OF TWIN FALLS

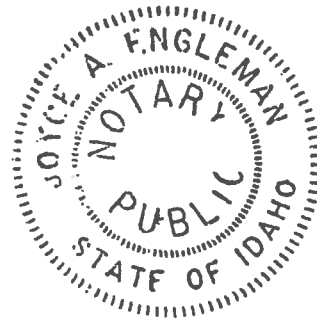
On this 13th day of February, 2014, before me,

a Notary Public, personally appeared Ruby Aufderheide,
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.

Joyce A. Engleman
Notary Public for Idaho
Residing at Twin Falls, Idaho *6/28/19*

My commission expires: _____

✓ *ok dm*
2/25/2014



The following application(s) have been filed to appropriate the public waters of the State of Idaho:

✓ 37-22850

CITY OF GOODING

308 5TH AVE W

GOODING, ID 83330

Point of Diversion SWSW S32 T05S R15E GOODING County
Source GROUND WATER Tributary

Point of Diversion L1(NENE) S6 T06S R15E GOODING County
Source GROUND WATER Tributary

Point of Diversion NESE S31 T05S R15E GOODING County
Source GROUND WATER Tributary

Point of Diversion SESW S32 T05S R15E GOODING County
Source GROUND WATER Tributary

Point of Diversion SWSW S5 T06S R15E GOODING County
Source GROUND WATER Tributary

Point of Diversion SENE S6 T06S R15E GOODING County
Source GROUND WATER Tributary

Use: MUNICIPAL 03/15 to 11/15 7.21 CFS

Total Diversion: 7.21 CFS

Date Filed: 8/27/2013

Place Of Use: MUNICIPAL

Place of use is within City of Gooding Service Area

Application proposes diverting up to 7.21 cfs from three existing wells and up to three new wells to be drilled all located within the City of Gooding. Water will be used for municipal use during the irrigation season within the City of Gooding service area. A mitigation plan, proposing recharging Little Wood River rights as described in companion transfer #78927, has been included with the application.

✓ **NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

TRANSFER NO. 78927

✓ **CITY OF GOODING**, 308 5TH AVE W, GOODING, ID 83330; has filed Application No. 78927 for changes to the following water rights within GOODING County(s): Right No(s). 37-262A, 37-271A, 37-282, 37-662, 37-709A, 37-960A. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing 7.21 cfs of Little Wood River rights currently authorized for irrigation use within the City of Gooding to groundwater recharge use northeast of the city. The application also proposes changing the authorized point of diversion from several locations in and near the City of Gooding to a new location approximately 1.9 miles north and 4.35 miles east of the Highway 26 and Highway 46 intersection at the south edge of Gooding. The proposed recharge site is generally located approximately 2.0 - 3.0 miles north and 1.5 - 3.75 miles east of the Highway 26 and Highway 46 intersection at the south edge of Gooding. The application proposal is associated with a mitigation plan submitted with companion Application for Permit 37-22850.

✓ **NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

TRANSFER NO. 78928

✓ **CITY OF GOODING**, 308 5TH AVE W, GOODING, ID 83330; has filed Application No. 78928 for changes to the following water rights within GOODING County(s): Right No(s). 37-11221, 37-4080. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the authorized points of diversion for two municipal groundwater rights for the City of Gooding. The application proposes allowing for the diversion of up to 7.05 cfs of water from three existing wells and up to three proposed new wells all located within the City of Gooding.

✓ **NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

TRANSFER NO. 78962

✓ **JANET YATES and KIRTLAND YATES**, 1941 S 2450 E, MALTA, ID 83342; has filed Application No. 78962 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10593, 43-2307. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to add a point of diversion to groundwater irrigation rights 43-2307 & 43-10593, currently authorized for use on a farm located approximately 3.5 - 4.2 mi. S & 2.8 - 3.4 mi. E of Malta. These rights are currently authorized to divert 2.9 CFS (235 acres) from two wells located approximately 4.2 mi. S & 3.1 mi. E of Malta. Application proposes to add an existing well, located approximately 3.8 mi. S & 4.3 mi. E of Malta, to be allowed to be used under these rights.

✓ **NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

TRANSFER NO. 78963

✓ **UNITED STATES OF AMERICA ACTING THROUGH, USDI BUREAU OF LAND MANAGEMENT, IDAHO STATE OFFICE**, 1387 S VINNELL WAY, BOISE, ID 83709-1657; has filed Application No. 78963 for changes to the following water rights within CASSIA County(s): Right No(s). 43-2408. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to add a point of diversion to groundwater irrigation right 43-2408, currently authorized for use on a farm located approximately 4.2 - 5.0 mi. S & 3.3 - 3.8 mi. E of Malta. This right is currently authorized to divert 2.45 CFS (200 acres) from a well located approximately 4.9 mi. S & 3.6 mi. E of Malta. Application proposes to add an existing well, located approximately 3.8 mi. S & 4.3 mi. E of Malta, to be allowed to be used under this right.

✓ **NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

TRANSFER NO. 79020

✓ **J7 LLC, C/O JEFFREY C JOHNSON**, PO BOX 147, MALTA, ID 83342-0147; has filed Application No. 79020 for changes to the following water rights within CASSIA County(s): Right No(s). 43-2356B, 43-2441C, 43-4022B, 43-4023B, 43-4024D, 43-4130B. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes creating a 949.4 acre permissible place of use on a farm located approximately 4.5 to 6.75 miles south and 1.75 to 3.25 miles east of Malta. Five rights on the farm will be modified to allow for use in the proposed permissible place of use. In addition, a 38 acre right currently used on a farm located approximately 8.25 to 10.5 miles south and 1.75 to 3.25 miles east of Malta will be moved to the proposed permissible place of use. The application proposes diverting up to 17.5 cfs from five existing wells on the farm located approximately 4.5 to 6.75 miles and 1.75 to 3.25 miles east of Malta.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. 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 February 24, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: February 6 and 13, 2014

✓ ok DM
2/25/2014