Rev. 07/11

RECEIVED

AUG 2 7 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78927

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at http://www.idwr.idaho.gov/ .

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes	N/A		
		*	Means the item is always required and must be included with the application.
☑		*	Completed Application for Transfer of Water Right form, Part 1.
☑		*	Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
☑		*	Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
☐	☑		Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
☑		*	Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
☑		*	Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

Yes	N/A		
☐	☑	**#1**	If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
☐	☑	**#2a**	Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner. Additional fee(s) required for water right ownership changes; see fee schedule.
☑	☐	**#2b**	If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Additional fee(s) required for water right ownership changes; see fee schedule.
☐	☑	**#3**	Documentation of authority to make the change if the applicant is not the water right owner.
☐	☑	**#4**	Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
☐	☑	**#5**	If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
☐	☑	**#6**	Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part I.5.c.)
☑		* **#7a**	Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
☑	☐	**#7b**	If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
☑	☐	**#8a**	If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
☐	☑	**#8b**	If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
☑	☐	**#9**	Other. Please describe: Please see concurrent Application for Permit and associated documentation and analysis

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AUG 27 2013
DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78927

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) City of Gooding Phone 208-934-5669

Mailing address ~~208~~ 308 5th Avenue West; Gooding, Idaho 83330 Email

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1.**
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a.**
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b.**
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3.**

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

C.G. BROCKWAY (PER TELECOM) A.S.

Name of Representative ~~Erick Powell~~, Brockway Engineering Phone 208-736-8543

Mailing address 2016 Washington Street North, Suite 4; Twin Falls, Idaho 83301 Email erick.powell@brockwayeng.com

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☑ Send original correspondence to the applicant and copies to the representative.

☑ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4.**

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date
Vern France	Vern France, Council Pres.	8-13-13

A. PURPOSE OF TRANSFER

1. ☑ Change point of diversion ☐ Add diversion point(s) ☑ Change place of use
   ☑ Change nature of use ☐ Change period of use ☐ Other

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2.** * See attached narrative (Part 1A.2) of the transfer, including the proposed managed recharge to mitigate for the new City of Gooding municipal permit application.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.

All	Part	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use		Source & Tributary
☑	☐	37-709A	0.74 cfs	Groundwater Recharge	3/15	to 11/15	Little Wood River/Malad River
☑	☐	37-960A	0.57 cfs	Groundwater Recharge	3/15	to 11/15	Little Wood River/Malad River
☑	☐	37-262A	3.16 cfs	Groundwater Recharge	3/15	to 11/15	Little Wood River/Malad River
☑	☐	37-271A	0.32 / 125.0	Groundwater Recharge	3/15	to 11/15	Little Wood River/Malad River
☑	☐	37-282	1.00 / 390.7	Groundwater Recharge	3/15	to 11/15	Little Wood River/Malad River
☑	☐	37-662	1.42 / 554.9	Groundwater Recharge	3/15	to 11/15	Little Wood River/Malad River
☐	☐					to	
☐	☐					to	
☐	☐					to	

Total authorized under rights 7.21 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 7.21 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☑ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

Change in POD is for surface water, not groundwater. No ESPA analysis performed.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
X		NW	NE	NW	36	5S	15E	Gooding	Little Wood River	USACE Flood Control

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	15E	26						E	E	E	E					E			
5S	15E	27	E	E	E	E	E		E	E		E							
5S	15E	28													E	E	E	E	

Total Acres (for irrigation use) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
An existing diversion from the Little Wood River used for Flood Control, built by the US Army Corps of Engineers. A new measuring device directly adjacent to the existing headgate structure will be built. An appropriate measuring device will be installed to measure diverted flow.

b. Who owns the property at the point(s) of diversion? William Arkoosh
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Existing diversion from the Little Wood River already exists City of Gooding holds an easement on Mr. William Arkoosh's property for the point of diversion.

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
A new municipal permit has been prepared and submitted to IDWR to provide water for the City of Gooding.

e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
None

f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes	No	
☐	☑	undergone a period of five or more consecutive years of non-use,
☐	☑	currently leased to the Water Supply Bank,
☐	☑	currently used in a mitigation plan limiting the use of water under the right, or
☐	☑	currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part IB.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ http://www.idwr.idaho.gov/ , Water Right Transfers, Step I.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ http://www.idwr.idaho.gov/ , Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number:_____

1. amount _____(cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ for _____ purposes from _____ to _____
   amount _____ for _____ purposes from _____ to _____
   amount _____ for _____ purposes from _____ to _____
   amount _____ for _____ purposes from _____ to _____
   amount _____ for _____ purposes from _____ to _____
   amount _____ for _____ purposes from _____ to _____
   amount _____ for _____ purposes from _____ to _____

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) _____

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 37-709A

Current Owner: CITY OF GOODING

Priority Date: 2/22/1883

Origin: Water Right

Status: Active

Basis: Decreed

Source	Tributary
LITTLE WOOD RIVER	MALAD RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	03/15 to 11/15	0.74 CFS	
	Total Diversion	0.74 CFS	

Location of Point(s) of Diversion

LITTLE WOOD RIVER SE1/4SW1/4 Sec. 32, Twp 05S, Rge 15E B.M.
GOODING County

Place of Use

IRRIGATION Wilhin GOODING County

T05S R15E S31		NESE	T05S R15E S31		NWSE
T05S R15E S31		SWSE	T05S R15E S31		SESE
T05S R15E S32		SENW	T05S R15E S32		NESW
T05S R15E S32		NWSW	T05S R15E S32		SWSW
T05S R15E S32		SESW	T05S R15E S32		NWSE
T05S R15E S32		SWSE	T06S R15E S5	Lot 3	NENW
T06S R15E S5	Lot 4	NWNW	T06S R15E S5		SWNW
T06S R15E S5		NESW	T06S R15E S5		NWSW
T06S R15E S5		SWSW	T06S R15E S5		SESW
T06S R15E S6	Lot 1	NENE	T06S R15E S6	Lot 2	NWNE
T06S R15E S6		SWNE	T06S R15E S6		SENE
T06S R15E S6		NESE	T06S R15E S6		NWSE
T06S R15E S6		SESE			

Conditions of Approval:

1.	K06	Right Nos. 37-262A, 37-709A and 37-960A are limited to the irrigation of 207 acres within the area served by the City of Gooding irrigation system in a single irrigation season.
2.	161	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.
3.	135	The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
4.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5.	129	Place of use is within the area served by the City of Gooding irrigation system.

Decreed Date: 9/27/2006

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 37-960A

Current Owner: CITY OF GOODING

Priority Date: 4/1/1883

Origin: Water Right

Status: Active

Basis: Decreed

Source	Tributary
LITTLE WOOD RIVER	MALAD RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	03/15 to 11/15	0.57 CFS	
	Total Diversion	0.57 CFS	

Location of Point(s) of Diversion

LITTLE WOOD RIVER SE1/4SW1/4 Sec. 32, Twp 05S, Rge 15E B.M.
GOODING County

Place of Use

IRRIGATION Wilhin GOODING County

T05S R15E S31		NESE	T05S R15E S31		NWSE
T05S R15E S31		SWSE	T05S R15E S31		SESE
T05S R15E S32		SENW	T05S R15E S32		NESW
T05S R15E S32		NWSW	T05S R15E S32		SWSW
T05S R15E S32		SESW	T05S R15E S32		NWSE
T05S R15E S32		SWSE	T06S R15E S5	Lot 3	NENW
T06S R15E S5	Lot 4	NWNW	T06S R15E S5		SWNW
T06S R15E S5		NESW	T06S R15E S5		NWSW
T06S R15E S5		SWSW	T06S R15E S5		SESW
T06S R15E S6	Lot 1	NENE	T06S R15E S6	Lot 2	NWNE
T06S R15E S6		SWNE	T06S R15E S6		SENE
T06S R15E S6		NESE	T06S R15E S6		NWSE
T06S R15E S6		SESE			

Conditions of Approval:

1.	K06	Right Nos. 37-262A, 37-709A and 37-960A are limited to the irrigation of 207 acres within the area served by the City of Gooding irrigation system in a single irrigation season.
2.	129	Place of use is within the area served by the City of Gooding irrigation system.
3.	135	The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
4.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5.	161	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.

Decreed Date: 9/27/2006

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 37-262A

Current Owner: CITY OF GOODING

Priority Date: 2/22/1883

Origin: Water Right

Status: Active

Basis: Decreed

Source	Tributary
LITTLE WOOD RIVER	MALAD RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	03/15 to 11/15	3.16 CFS	
	Total Diversion	3.16 CFS	

Location of Point(s) of Diversion

LITTLE WOOD RIVER SE1/4SW1/4 Sec. 32, Twp 05S, Rge 15E B.M.
GOODING County

Place of Use

IRRIGATION Within GOODING County

T05S R15E S31		NESE	T05S R15E S31		NWSE
T05S R15E S31		SWSE	T05S R15E S31		SESE
T05S R15E S32		SENW	T05S R15E S32		NESW
T05S R15E S32		NWSW	T05S R15E S32		SWSW
T05S R15E S32		SESW	T05S R15E S32		NWSE
T05S R15E S32		SWSE	T06S R15E S5	Lot 3	NENW
T06S R15E S5	Lot 4	NWNW	T06S R15E S5		SWNW
T06S R15E S5		NESW	T06S R15E S5		NWSW
T06S R15E S5		SWSW	T06S R15E S5		SESW
T06S R15E S6	Lot 1	NENE	T06S R15E S6	Lot 2	NWNE
T06S R15E S6		SWNE	T06S R15E S6		SENE
T06S R15E S6		NESE	T06S R15E S6		NWSE
T06S R15E S6		SESE			

Conditions of Approval:

1.	K06	Right Nos. 37-262A, 37-709A and 37-960A are limited to the irrigation of 207 acres within the area served by the City of Gooding irrigation system in a single irrigation season.
2.	135	The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3.	129	Place of use is within the area served by the City of Gooding irrigation system.
4.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5.	161	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.

Decreed Date: 9/27/2006

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 37-271A

Current Owner: CITY OF GOODING

Priority Date: 6/30/1882

Origin: Water Right

Status: Active

Basis: Decreed

Source	Tributary
LITTLE WOOD RIVER	MALAD RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	03/15 to 11/15	0.32 CFS	125 AF
	Total Diversion	0.32 CFS	125 AF

Location of Point(s) of Diversion

LITTLE WOOD RIVER GOODING County	L1(NE1/4NE1/4)	Sec. 6,	Twp 06S,	Rge 15E B.M.
LITTLE WOOD RIVER GOODING County	SE1/4SW1/4	Sec. 32,	Twp 05S,	Rge 15E B.M.
LITTLE WOOD RIVER GOODING County	L1(NE1/4NE1/4)	Sec. 6,	Twp 06S,	Rge 15E B.M.
LITTLE WOOD RIVER GOODING County	L4(NW1/4NW1/4)	Sec. 5,	Twp 06S,	Rge 15E B.M.
LITTLE WOOD RIVER GOODING County	SW1/4NW1/4	Sec. 3,	Twp 06S,	Rge 15E B.M.

Place of Use

IRRIGATION Within GOODING County

T05S R15E S31		NESE	T05S R15E S31		NWSE
T05S R15E S31		SWSE	T05S R15E S31		SESE
T05S R15E S32		SENW	T05S R15E S32		NESW
T05S R15E S32		NWSW	T05S R15E S32		SWSW
T05S R15E S32		SESW	T05S R15E S32		NWSE
T05S R15E S32		SWSE	T06S R15E S5	Lot 3	NENW
T06S R15E S5	Lot 4	NWNW	T06S R15E S5		SWNW
T06S R15E S5		NESW	T06S R15E S5		NWSW
T06S R15E S5		SWSW	T06S R15E S5		SESW
T06S R15E S6	Lot 1	NENE	T06S R15E S6	Lot 2	NWNE
T06S R15E S6		SWNE	T06S R15E S6		SENE
T06S R15E S6		NESE	T06S R15E S6		NWSE
T06S R15E S6		SESE			

Conditions of Approval:

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.		The total instantaneous diversion of water from all points of diversion under Transfer No. 4576 shall not exceed 2.74 cfs, nor total combined annual volume of 1070.6 af.
3.	129	Place of use is within the area served by City of Gooding irrigation system.
4.	R31	This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
5.	T04	Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
6.	161	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.	T17	Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
8.		Two points of diversion are located within Lot 1 (NENE), S06, T06S, R15E.
9.	135	The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
10.	R04	Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
11.	K06	Right Nos. 37-271A, 37-282 and 37-662 are limited to the irrigation of 331 acres within the area served by City of Gooding irrigation system in a single irrigation season.
12.	T07	The right holder shall accomplish the change authorized by Transfer No. 4576 by June 5, 1996.
13.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Decreed Date: 9/27/2006

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 37-282

Current Owner: CITY OF GOODING

Priority Date: 4/1/1877

Origin: Water Right

Status: Active

Basis: Decreed

Source	Tributary
LITTLE WOOD RIVER	MALAD RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	03/15 to 11/15	1 CFS	390.7 AF
	Total Diversion	1 CFS	390.7 AF

Location of Point(s) of Diversion

LITTLE WOOD RIVER GOODING County	L1(NE1/4NE1/4)	Sec. 6,	Twp 06S,	Rge 15E B.M.
LITTLE WOOD RIVER GOODING County	SE1/4SW1/4	Sec. 32,	Twp 05S,	Rge 15E B.M.
LITTLE WOOD RIVER GOODING County	L4(NW1/4NW1/4)	Sec. 5,	Twp 06S,	Rge 15E B.M.
LITTLE WOOD RIVER GOODING County	L1(NE1/4NE1/4)	Sec. 6,	Twp 06S,	Rge 15E B.M.
LITTLE WOOD RIVER GOODING County	SW1/4NW1/4	Sec. 3,	Twp 06S,	Rge 15E B.M.

Place of Use

IRRIGATION Within GOODING County

T05S R15E S31		NESE	T05S R15E S31		NWSE
T05S R15E S31		SWSE	T05S R15E S31		SESE
T05S R15E S32		SENW	T05S R15E S32		NESW
T05S R15E S32		NWSW	T05S R15E S32		SWSW
T05S R15E S32		SESW	T05S R15E S32		NWSE
T05S R15E S32		SWSE	T06S R15E S5	Lot 3	NENW
T06S R15E S5	Lot 4	NWNW	T06S R15E S5		SWNW
T06S R15E S5		NESW	T06S R15E S5		NWSW
T06S R15E S5		SWSW	T06S R15E S5		SESW
T06S R15E S6	Lot 1	NENE	T06S R15E S6	Lot 2	NWNE
T06S R15E S6		SWNE	T06S R15E S6		SENE
T06S R15E S6		NESE	T06S R15E S6		NWSE
T06S R15E S6		SESE			

Conditions of Approval:

1.	R04	Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2.		The total instantaneous diversion of water from all points of diversion under Transfer No. 4576 shall not exceed 2.74 cfs, nor total combined annual volume of 1070.6 af.
3.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4.	T17	Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5.	K06	Right Nos. 37-271A, 37-282 and 37-662 are limited to the irrigation of 331 acres within the area served by City of Gooding irrigation system in a single irrigation season.
6.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
7.	161	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.
8.	T07	The right holder shall accomplish the change authorized by Transfer No. 4576 by June 5, 1996.
9.	129	Place of use is within the area served by City of Gooding irrigation system.
10.	135	The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
11.		Two points of diversion are located within Lot 1 (NENE), S06, T06S, R15E.
12.	R31	This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
13.	T04	Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Decreed Date: 9/27/2006

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 37-662

Current Owner: CITY OF GOODING

Priority Date: 6/15/1885

Origin: Water Right

Status: Active

Basis: Decreed

Source	Tributary
LITTLE WOOD RIVER	MALAD RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	03/15 to 11/15	1.42 CFS	554.9 AF
	Total Diversion	1.42 CFS	554.9 AF

Location of Point(s) of Diversion

LITTLE WOOD RIVER GOODING County	SW1/4NW1/4	Sec. 3,	Twp 06S,	Rge 15E B.M.
LITTLE WOOD RIVER GOODING County	L4(NW1/4NW1/4)	Sec. 5,	Twp 06S,	Rge 15E B.M.
LITTLE WOOD RIVER GOODING County	SE1/4SW1/4	Sec. 32,	Twp 05S,	Rge 15E B.M.
LITTLE WOOD RIVER GOODING County	L1(NE1/4NE1/4)	Sec. 6,	Twp 06S,	Rge 15E B.M.
LITTLE WOOD RIVER GOODING County	L1(NE1/4NE1/4)	Sec. 6,	Twp 06S,	Rge 15E B.M.

Place of Use

IRRIGATION Within GOODING County

T05S R15E S31		NESE	T05S R15E S31		NWSE
T05S R15E S31		SWSE	T05S R15E S31		SESE
T05S R15E S32		SENW	T05S R15E S32		NESW
T05S R15E S32		NWSW	T05S R15E S32		SWSW
T05S R15E S32		SESW	T05S R15E S32		NWSE
T05S R15E S32		SWSE	T06S R15E S5	Lot 3	NENW
T06S R15E S5	Lot 4	NWNW	T06S R15E S5		SWNW
T06S R15E S5		NESW	T06S R15E S5		NWSW
T06S R15E S5		SWSW	T06S R15E S5		SESW
T06S R15E S6	Lot 1	NENE	T06S R15E S6	Lot 2	NWNE
T06S R15E S6		SWNE	T06S R15E S6		SENE
T06S R15E S6		NESE	T06S R15E S6		NWSE
T06S R15E S6		SESE			

Conditions of Approval:

1.	K06	Right Nos. 37-271A, 37-282 and 37-662 are limited to the irrigation of 331 acres within the area served by City of Gooding irrigation system in a single irrigation season.
2.	135	The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3.	R31	This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
4.		Two points of diversion are located within Lot 1 (NENE), S06, T06S, R15E.
5.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
6.	129	Place of use is within the area served by City of Gooding irrigation system.
7.	T07	The right holder shall accomplish the change authorized by Transfer No. 4576 by June 5, 1996.
8.		The total instantaneous diversion of water from all points of diversion under Transfer No. 4576 shall not exceed 2.74 cfs, nor total combined annual volume of 1070.6 af.
9.	161	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.
10.	T17	Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
11.	R04	Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
12.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13.	T04	Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Decreed Date: 9/27/2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a.**

☑ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b.** If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

☑ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a.**

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b.**

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

FOR DEPARTMENT USE ONLY

Transfer contains 17 pages and _____ attachments.

Received by C. SKINNER Date 8/27/13 Prelim. Check by _____ Date _____

Fee Paid $1310.00 Date 8/27/13 Receipted by C. SKINNER Receipt # S033482

Add'l Fee Paid _____ Date _____ Receipted by _____ Receipt # _____

Attachment #26

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Shoshone Field Office
400 West F Street
Shoshone, Idaho 83352-5284
(208) 732-7200

In Reply Refer To:
2870/IDI-37518 (IDT030) P

July 12, 2013

CERTIFIED MAIL—7012 1010 0002 1577 1403
RETURN RECEIPT REQUESTED

Decision

City of Gooding	:	Right-of-Way Application
Attention: Todd Bunn	:	Serial No. IDI-37518
308 5th Ave W.	:	
Gooding, ID 83330	:	

Processing Category Determined Exempt

The Bureau of Land Management (BLM), Shoshone Field Office received an application from the City of Gooding on April 16, 2013, for the use of an existing flood diversion channel as a water recharge site. The proposed recharge site contains approximately 51.5 acres of public land and is proposed to be used April through September of each year. The area being proposed for the City's recharge site is the same area that the City has been using as a flood control channel since 1909 and is associated with a right-of-way grant, IDI-3306, issued in 1953. The proposed right-of-way would not require any additional development on public lands.

The City's proposed right-of-way includes a portion of the following public lands:

Boise Meridian, Idaho
T. 5 S., R. 15 E.,
sec. 26, SE¼NW¼, NW¼NW¼, and NE¼SW¼;
sec. 27, SW¼NE¼, S½NW¼, NW¼SW¼;
sec. 28, SE¼.

The serial number IDI-37518 has been assigned to this application. Please refer to this number in all future correspondence relating to this proposed right-of-way.

Processing Fee Category

According to Federal regulations contained in 43 CFR 2804.14, BLM is required to be reimbursed for the costs incurred in processing a right-of-way application (including renewals and amendments). However, pursuant to 43 CFR 2804.16, local governments, or agencies of such a government are exempt from paying processing and monitoring fees if the right-of-way is for governmental purposes benefitting the public. It has been determined that the City of Gooding is exempt from paying processing and monitoring fees in association with their application for right-of-way IDI-37518.

Additional Information

The BLM's goal is to process applications in 60 days or less. However, the Shoshone Field Office resource staff is at capacity working toward meeting court mandated obligations, renewing grazing permits, processing rights-of-way applications, and other required work. Therefore, processing of the City of Gooding's application will not be completed within the 60 day timeframe. At this time it is anticipated that a final decision on the requested application will be made by October 15, 2013. If unforeseen circumstances arise that will extend that date, the City of Gooding will be notified in writing.

For information regarding BLM's right-of-way regulations and cost recovery fees, please refer to the following website:

http://www.blm.gov/wo/st/en/prog/energy/cost_recovery_regulations.html

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulations 43 CFR 2801.10 or 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

(1) The relative harm to the parties if the stay is granted or denied,

(2) The likelihood of the appellant's success on the merits,

(3) The likelihood of immediate and irreparable harm if the stay is not granted, and

(4) Whether the public interest favors granting the stay.

If you have any questions regarding your right-of-way application or the fees connected with it, please contact Kasey Prestwich, Realty Specialist at (208) 732-7204 or by email at kprestwich@blm.gov.

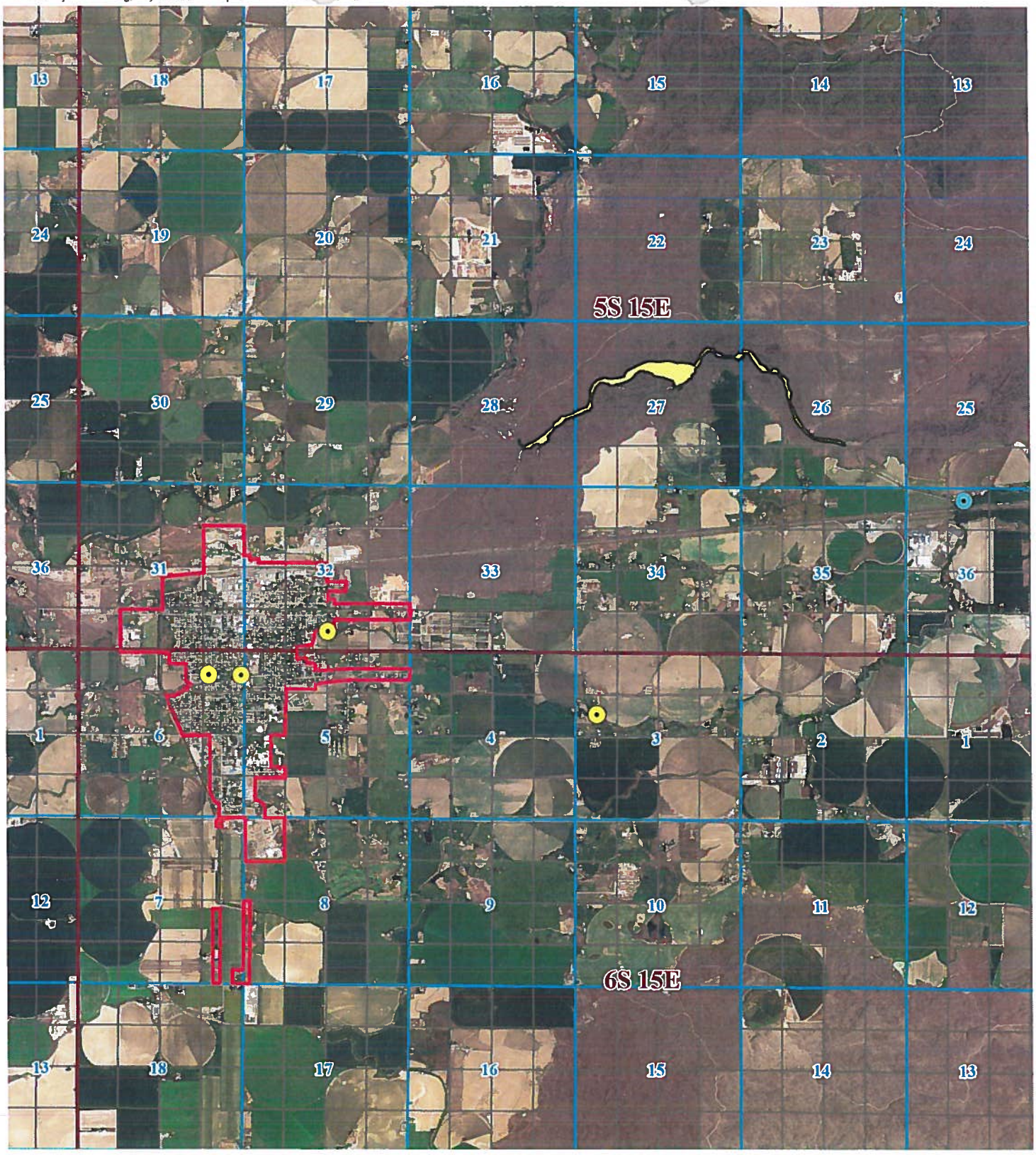
Sincerely,

Elizabeth Maclean

Elizabeth Maclean
Field Manager

1 Enclosure:
1- Form 1842-1 (2 pp)

Path: F:\Projects\Gooding, City of\Arcview Maps\Transfer Attac[illegible]7A.mxd



0 0.25 0.5 1 Miles

ATTACHMENT 7B: CITY OF GOODING TRANSFER MAP NAIP 2011 AERIAL

Legend

- CURRENT POD
- PROPOSED POD
- Recharge Area POU
- CURRENT POU
- twnshp
- Sections
- QQ lines

N

BROCKWAY ENGINEERING, PLLC
ALR - SEPT. 17, 2013

RECEIVED
SEP 17 2013
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Transfer 78927

Attachment #8a
City of Gooding Application for Transfer

If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historical beneficial use of the portion of the right(s) proposed to be changed. Also attached attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change.

Historical Beneficial Use of rights proposed to be changed

Six (6) rights (37-271A, 37-282, 37-662, 37-262A, 37-709A, and 37-960A) are proposed to be changed from irrigation to groundwater recharge. The City of Gooding has historically diverted all of these rights together and changes to the nature of use will be addressed collectively.

Historical surface water diversion data from the Little Wood River by the City of Gooding were obtained from the watermaster and presented in Table 1. The rights combined authorize for 7.21 cfs of diversion, which has been met on an annual basis. The water right reliability is presented in Table 2. Data, presented in Tables 1 and 2, document that the irrigation water rights have been diverted annually for at least the past 10-years and that the irrigation water rights are extremely reliable.

Table 1. Annual surface water diversions from the Little Wood River in acre-feet.

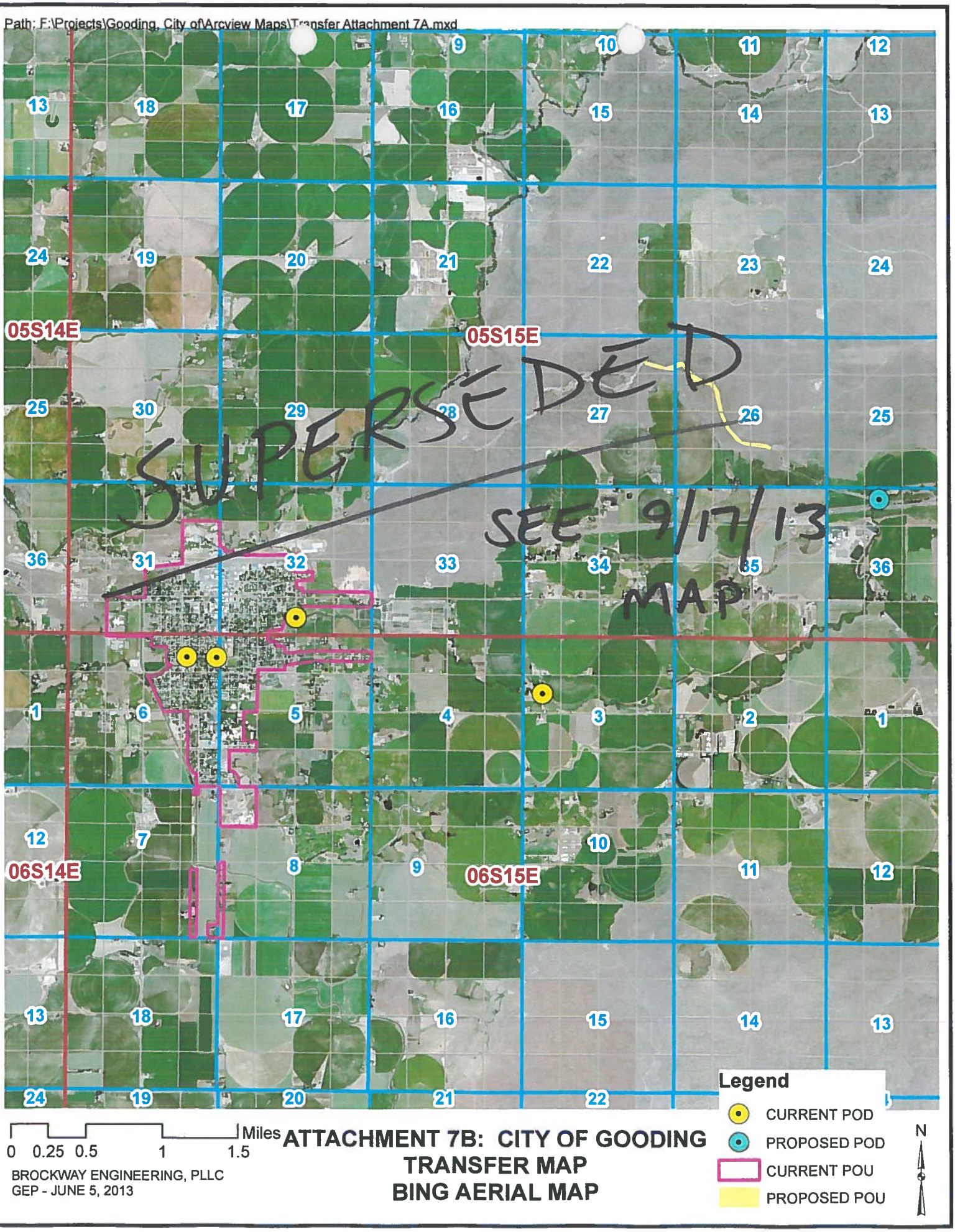
Year	95-P1 City Pump	95-P Jr High	96 Woodworth	96-P Main St	97-P Nevada	Total	Peak CFS
2001	No data	168	1801	125	202	2296	10.3
2002	No data	71	2411	48	101	2631	15.0
2003	558	32	1533	93	91	2307	16.8
2004	756	44	1097	73	24	1994	12.8
2005	1161	77	1301	16	10	2565	11.1
2006	1204	105	1747	17	8	3081	13.6
2007	1198	74	1440	24	20	2756	11.4
2008	1125	85	1374	12	24	2620	11.0
2009	1549	28	1469	16	7	3069	12.5
2010	1181	80	974	13	23	2271	9.4
2011	1264	107	1354	11	29	2765	11.0
					Average	2578	
					Max	3081	
					Min	1994	

Table 2. Priority cuts on the City's surface water rights.

Water right priority date	4/1/1877	6/30/1882	2/22/1883	4/1/1883	6/15/1885
No. years record	64	64	64	64	64
% of years cut	0%	0%	0%	3%	28%
Earliest cutoff date	Never	Never	Never	21-Jun	29-Apr

The irrigation rights are authorized for irrigation on 538 acres. The irrigation use within the City is dominated by irrigation on turf grass, which has a consumptive use of 3.43 ft/season. (There is no station at Gooding in the Allen & Robison (2012) study; therefore the two nearest stations (Bliss and Shoshone) were combined using a distance-weighted average to the center of the City of Gooding. Turf grass P-def value for Bliss is 3.61 ft and was weighted at 56.47%; the Turf grass P-def value for Shoshone is 3.20 ft and was weighted at 43.53%. The P-def value used for Gooding was 3.431 ft/season.) The consumptive use of the irrigation water in Gooding was estimated at 1,846 acft (3.431 ft times 538 acres).

The Application for Permit submitted by the City of Gooding is for 7.21 cfs of municipal water right with the same period of use. A condition could be added to the new permit that would limit the consumptive use of the new permit to 1,846 acft/year.



ATTACHMENT 7B: CITY OF GOODING TRANSFER MAP BING AERIAL MAP

BROCKWAY ENGINEERING, PLLC
GEP - JUNE 5, 2013

Transfer 78927

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 6, 2014

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

Hand Delivered

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

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

RE: Application For Permit No.(s): 37-22850

Dear Ms. Yenter:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosure(s)

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 6, 2014

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

Via E-mail

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

RE: Application For Permit No.(s): 37-22850, 37-22855

Dear Mr. Lakey:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosure(s)

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 5, 2014

CITY OF GOODING
308 5TH AVE W
GOODING, ID 83330

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

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

RE: Application For Permit No. 37-22850

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 2/6/2014 and 2/13/2014**. Protests to this application may be submitted for a period ending ten (10) days after the second publication **(February 24, 2014)**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

cc:

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

Maline, Denise

From: Maline, Denise
Sent: Thursday, January 30, 2014 2:24 PM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.docx

Attached please find (1) legal notice being submitted for publication on February 6th & 13th, 2014. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant, Southern Region
Idaho Dept of Water Resources
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

January 30, 2014

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

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

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

RE: Transfer No. 78962
Water Right No(s): 43-10593, 43-2307

RE: Transfer No. 78963
Water Right No(s): 43-2408

RE: Transfer No. 79020
Water Right No(s): 43-2356B, 43-2441C, 43-4022B, 43-4023B, 43-4024D, 43-4130B

RE: Application For Permit No.(s): 37-22850

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before February 24, 2014. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

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 to10.5 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
Published on February 6th & 13th, 2014

MEMORANDUM

Date: January 23, 2014

To: Transfer 78927 File

From: Corey Skinner

Re: Evaluation of Sufficiency of Information Submitted

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 rights involved with the transfer are all diverted from the Little Wood River and are under the jurisdiction of the Water District 37 water master. The application proposal is associated with a mitigation plan submitted with companion Application for Permit 37-22850, which proposes a new appropriation of municipal groundwater within the moratorium area. The mitigation plan was reviewed by IDWR hydrology section (see 1/17/2014 memo in file). This review indicated that "*the mitigation plan appears to mitigate all reaches of the Snake River, and predicted water-level impacts are minimal (< 2 ft), both inside and outside the City of Gooding service area.*"

- **Authority to File:**
  The applicant, City of Gooding, is listed as the current owner of the rights according to IDWR records. The application was signed by the city council president, an elected official of the city.

- **Water Right Validity:**
  The rights involved with the transfer were decreed in the SRBA in September of 2006. Conversations with the water master indicated that the rights have been diverted in recent years.

- **Injury to Other Water Rights:**
  None anticipated.

- **Enlargement of Use:**
  None anticipated.

- **Local Public Interest:**
  No negative impact anticipated. Application will be subject to public notice.

- **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.

MEMO

State of Idaho
Department of Water Resources
322 E Front Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 287-4800 Fax: (208) 287-6700

Date: January 17, 2014

To: Shelley Keen, Water Rights Section Manager; Corey Skinner, Staff Engineer

From: Mike McVay, Technical Hydrogeologist

Subject: Evaluation of City of Gooding Water Right Application

Introduction

I have reviewed the water right application and mitigation plan submitted by the City of Gooding to assess potential impacts to senior water users.

Proposal Summary

The City of Gooding owns and operates both a potable water system and a gravity irrigation system that serve the city's water service area. The potable water supply is provided by deep wells that divert water from the regional Eastern Snake Plain Aquifer (ESPA). Deterioration of the existing gravity irrigation system has resulted in the inability to deliver uniform and reliable irrigation water to all users, and upgrading the 80-year old system is cost-prohibitive. In an effort to improve the municipal water supply, a new 7.21 ft^3/sec (cfs) ground water right has been proposed to divert 2,637 acre-ft/yr during the spring and summer trimesters. The additional volume would be provided by existing and new municipal wells. The proposed place of use (POU) is the City of Gooding service area and is located within the boundaries of the Eastern Snake Plain Aquifer Model (ESPAM) version 1.1 (Figure 1).

Water to mitigate for the impacts due to additional pumping would be supplied by existing City of Gooding irrigation water rights 37-709A, 37-960A, 37-262A, 37-271A, 37-282, and 37-662, which authorize diversion from the Little Wood River. Mitigation would involve using these rights to divert water into an existing recharge basin located approximately 3.5 miles east of Gooding so that the water can seep into the ground (Figure 1). Based on historical use, the applicant estimates that the capacity of the recharge basin is 30 to 40 cfs.

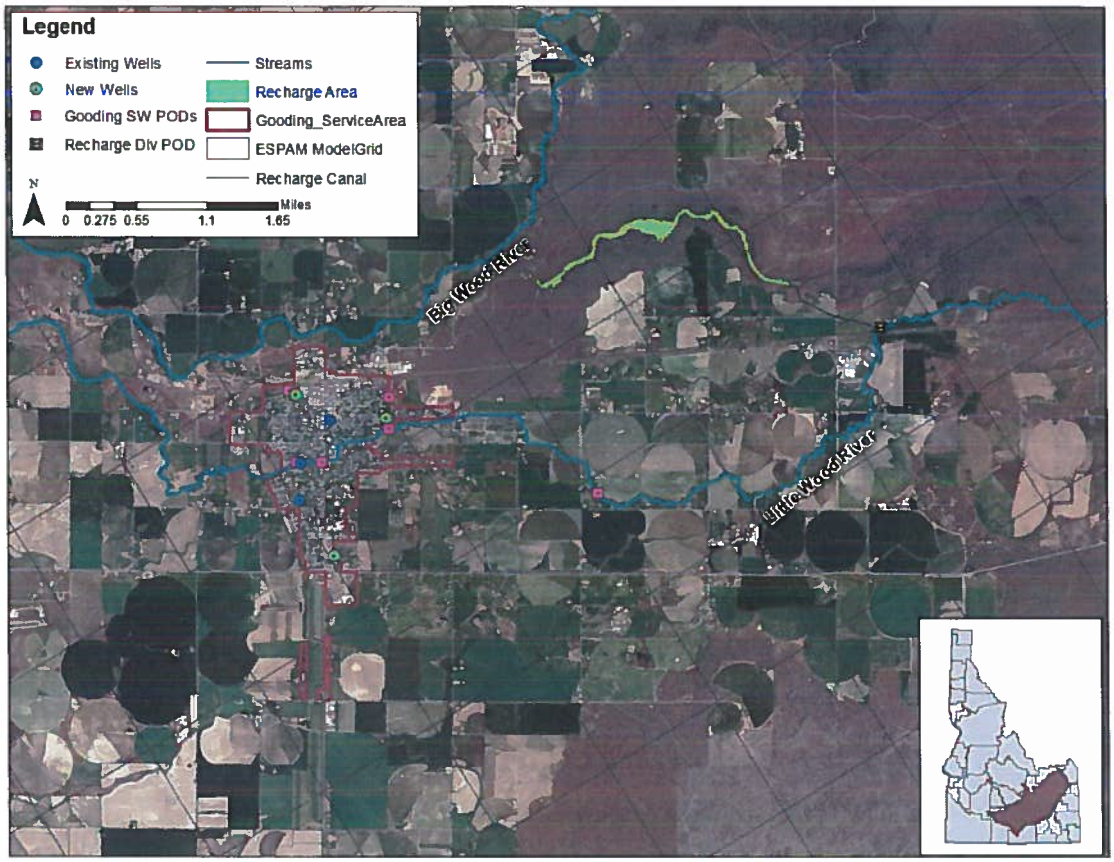


Figure 1. Location of the mitigation recharge site and current and proposed municipal wells and surface water points of diversion.

Existing Surface-Water Rights

There are six current surface-water rights for irrigation associated with the mitigation plan for this application: 37-709A, 37-960A, 37-262A, 37-271A, 37-282, and 37-662. The rights are structured as two groups, each with a combined acre limit that sum to a total of 538 acres (Table 1). In addition, Group 2 is subject to an annual volume limit of 1,070.6 acre-ft. There are no combined-use restrictions on the diversion rate.

Table 1. Existing City of Gooding surface-water rights for mitigation.

	Right Number	Diversion Rate	Beneficial Use	Priority Date
Group 1: Limit 207 acres	37-709A	0.74 cfs	Irrigation	2/22/1883
	37-960A	0.57 cfs	Irrigation	4/1/1883
	37-262A	3.16 cfs	Irrigation	2/22/1883
Group 2: Limit 331 acres	37-271A	0.32 cfs	Irrigation	6/30/1882
	37-282	1.00 cfs	Irrigation	4/1/1877
	37-662	1.42 cfs	Irrigation	6/15/1885
Total authorized diversion rate		**7.21 cfs**		

A transfer has been filed to change the nature of use of these rights from Irrigation to Managed Recharge, and to change the point of diversion (POD) to a location on the Little Wood River located approximately 4.5 miles east of Gooding. The POD is owned by William Arkoosh, but Gooding holds a right-of-way at the POD and along the diversion ditch from the Little Wood River to the proposed recharge site.

Surface-Water Right Availability/Reliability

The applicant submitted historical use information on the surface water rights in order to illustrate the validity of these rights to serve as mitigation. During the years 2001 – 2011 the total diversions of the existing surface-water rights ranged from 1,994 to 3,081 acre-ft/yr with an average total diversion of 2,578 acre-ft/yr. Therefore, it appears that the average historical diversion volume under the existing surface-water rights is approximately the same as the volume proposed for mitigation.

The applicant also provided an analysis of the priority cuts on the surface-water rights to illustrate the reliability of the mitigation plan. The analysis indicates that the three earliest rights have never been cut, and that the two later-priority rights have been cut 3% and 28% of the years, respectively. The analysis also indicates that even if the two later-priority rights were cut, the earlier priority rights can supply all of the required 2,637 acre-ft volume at 5.52 cfs.

The mitigation plan further states that if the city is unable to recharge the full 2,637 acre-ft, the diversion under the new permit will be limited to the actual recharge volume that is achieved.

Proposed New Ground-Water Right

The city owns and operates both a potable water system and a gravity irrigation system that serve the municipal water service area. Deterioration of the existing gravity irrigation system has resulted in the inability to deliver uniform and reliable irrigation water to all users, and upgrading the 80-year old system is cost-prohibitive. The new groundwater right is proposed to replace the failing surface-water irrigation system.

According to the application, the proposed diversion volume of 2,637 acre-ft/yr is based on irrigation needs during the spring and summer trimesters. Although the consumptive use of the 538-acre POU is 1,846 acre-ft, the applicant proposes to administer the project based on *diversions* due to the difficulties of measuring and administrating consumptive use. The proposed diversion rate of 7.21 cfs is the combined diversion rate of the mitigation water rights, and the new diversion is to be provided by five existing and up to three new municipal wells. The proposed POU is the City of Gooding municipal service area.

Local Hydrogeology

The City of Gooding lies near the western edge of the ESPA (Figure 1). The ESPA is composed primarily of layered Quaternary age Snake River Group basalt, with isolated sedimentary deposits, typically at the margins of the plain (Whitehead, 1992). The city is located in an area that is underlain primarily by basalt, and sediments are generally lacking, except for isolated lenses in the subsurface (Figure 2, Figures A-1 and A-2). No known local or perched aquifers exist in this area, and the lack of sediments allows water that is applied at the surface to infiltrate down to the regional water table. The ESPA is exceptionally productive (Whitehead, 1992), and ESPAM-derived transmissivity estimates for the regional aquifer underlying Gooding range between 300,000 and 400,000 ft^2/day (Cosgrove et al, 1980).

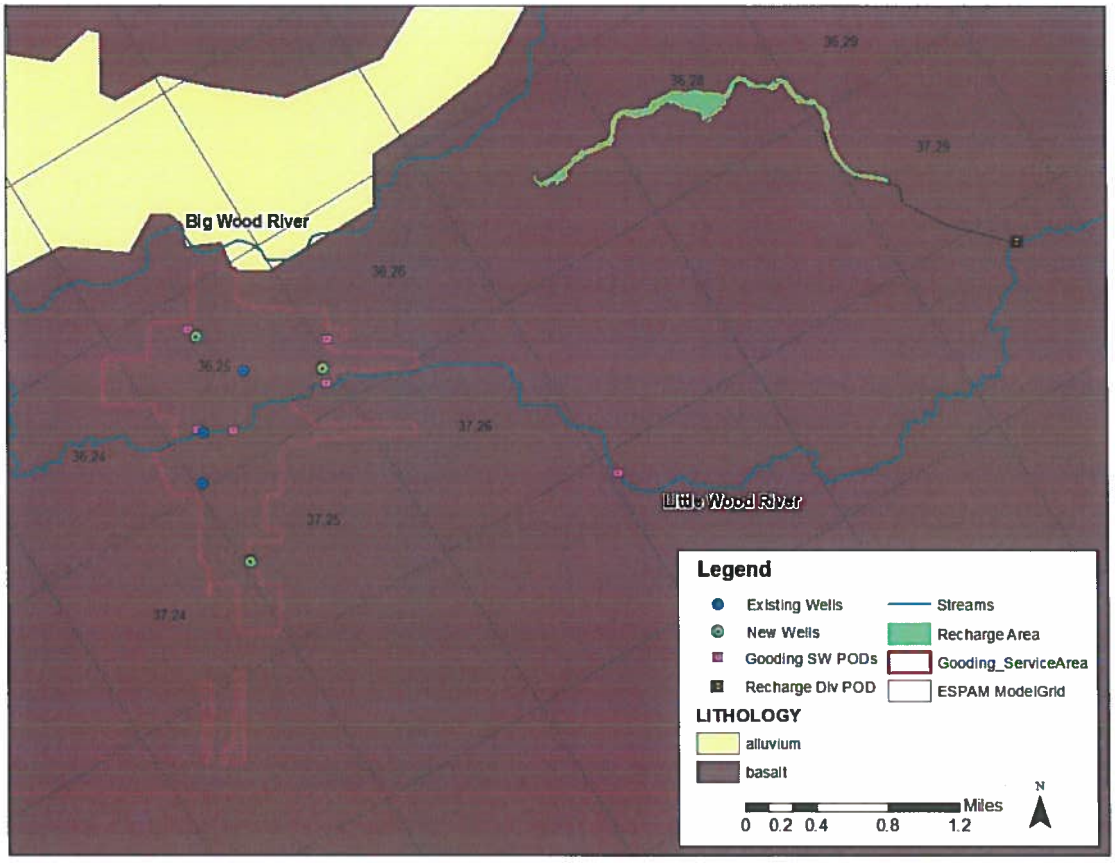


Figure 2. Generalized lithology of the Gooding area.

Groundwater – Surface Water Interaction

The city is situated on the Little Wood River (Little Wood) and immediately south of the Big Wood River (Big Wood), and the recharge area is situated between the Big and Little Wood Rivers. Depth-to-water ranges from approximately 130 feet at the recharge site, to

over 190 feet west of town (Appendix A). Depth-to-water data from wells in this area indicate that the Big and Little Wood are not hydraulically connected to the aquifer near the recharge site. Therefore, the Big and Little Wood lose water to the aquifer at a rate that is independent of aquifer head and do not gain flow from groundwater. The relationships between the Big and Little Wood and the aquifer are represented in the ESPAM1.1 model, where these rivers are represented as disconnected from and perched above the aquifer (Cosgrove et al, 1980; Erickson et al, 2006).

Impacts of Proposed Ground Water Right

The proposed PODs are located within the Eastern Snake River Plain Moratorium Area (i.e., trust water area), which prohibits new consumptive uses of water unless mitigation is provided to offset depletions. The purpose of the moratorium is to protect existing water rights, including surface-water rights diverted from the Snake River in reaches hydraulically connected to the ESPA. Since all the proposed PODs lie within the ESPA model boundary, the Transfer Tool was employed in an attempt to assess the impacts to the Snake River from the proposed new pumping and mitigation actions.

Local Water-Level Impacts

To evaluate impacts to nearby wells, the applicant submitted results from a MODFLOW model built for this application (local model). The local model incorporated the calibrated aquifer properties from ESPAM1.1, and the cell size was refined to 200 x 200 ft to better represent the local scale. The results of the local model indicate modest declines in annually averaged water levels with declines ranging between -0.07 ft east of the City of Gooding to -0.85 ft inside the city service area (Appendix B). Predicted water-level fluctuations are within the seasonal fluctuation in this area. The maximum seasonal water-level decline predicted by the local model is approximately two feet.

Although the results look reasonable, IDWR did not conduct a thorough review of the localized model. In an effort to hasten the review process, IDWR used a simplified Theis analysis to evaluate a "worst case scenario". The Theis analysis placed all of the consumptive use from pumping groundwater at one well, and all of the recharge at a point 3.5 miles to the northeast. Neglecting well loss, results of this analysis indicate a maximum water-level change of approximately -3.2 ft at the pumping well.

Transfer Tool Analysis

The Transfer Tool was used to evaluate the mitigation plan. The water for the proposed right will be provided by up to six municipal wells, and the analysis uses three model cells to represent pumping in the Transfer Tool (36,25; 36,26; 37,25). Recharge was modeled using the three cells that underlie the first third of the recharge area footprint where the majority of seepage is expected to occur (36,28; 36,29; 37,29), and excess-irrigation recharge was modeled using the five cells that most closely match the municipal POU (36,24; 36,25; 36,26; 37,24; 37,25). No historical diversions were input

into the Transfer Tool, which allows for the evaluation of the proposed mitigation plan using ESPAM1.1. Cells used in the Transfer Tool analysis are illustrated in Figure 2. The scenario represents 2,637 acre-ft/yr of pumping distributed over the spring and summer trimesters, and simultaneous recharge of the same volume. The applicant applied an irrigation efficiency of 70% which results in 791.1 acre-ft/yr excess-irrigation recharge applied over the POU. Total diversions minus excess-irrigation recharge is volumetrically equal to modeling consumptive use (1,846 acre-ft), and using total diversion minus excess-irrigation in the Transfer Tool is numerically very similar to modeling the consumptive use (Appendix C). No pumping associated with this water right is expected during the winter trimester.

The Transfer Tool analysis submitted by the applicant considers the proposal and mitigation simultaneously. Table 2 illustrates the Transfer Tool input values for the mitigation plan.

Table 2. Input to Transfer Tool used in mitigation plan evaluation (acre-ft/trimester).

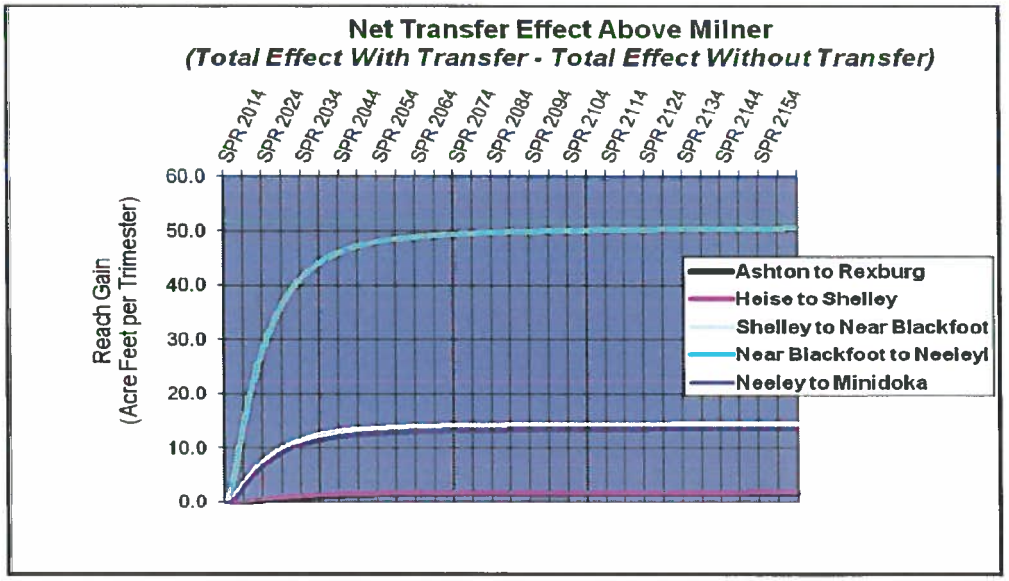
cell	36,28	36,29	37,29	36,25	36,26	37,25	37,24	36,24
TRIMESTER	Recharge	Recharge	Recharge	Pump + Excess Irr.	Pump+ Excess Irr.	Pump + Excess Irr.	Excess Irr	Excess Irr
SPR 2014	340	340	340	0	0	0	0	0
SUM 2014	539	539	539	0	0	0	0	0
WIN 2014	0	0	0	0	0	0	0	0
SPR 2015	340	340	340	-279	-279	-279	61	61
SUM 2015	539	539	539	-442	-442	-442	97	97
WIN 2015	0	0	0	0	0	0	0	0
SPR 2163	340	340	340	-279	-279	-279	61	61
SUM 2163	539	539	539	-442	-442	-442	97	97
WIN 2163	0	0	0	0	0	0	0	0

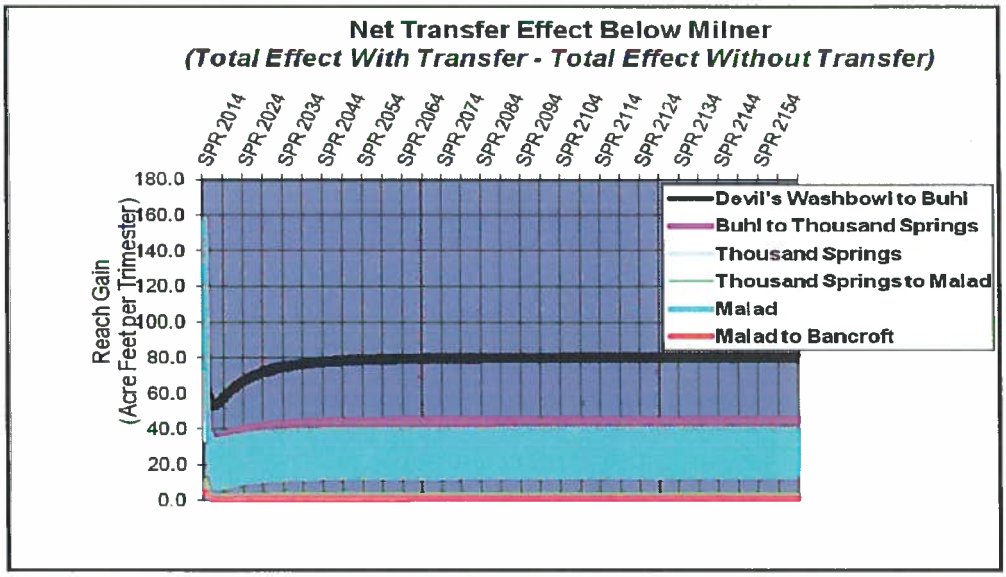
The combined effects due to pumping and mitigation, as calculated by the Transfer Tool, are positive (gains) in all reaches of the Snake River. Table 3 and Figures 3 and 4 illustrate the impacts due to the proposed new water right/mitigation plan.

Table 3. Calculated effects of the proposed mitigation plan on the Snake River (acre-ft/trimester).

	A-R	H-S	S-NB	NB-NLY	NLY-MIN	DWB-BUL	BUL-KSP	KSP	KSP-MLD	MLD	MLD-BAN
SPR 2162	1.7	1.9	14.5	50.5	13.4	78.7	41.8	27.0	2.9	19.3	0.9
SUM 2162	1.7	1.9	14.5	50.5	13.4	81.4	43.3	27.4	2.6	13.1	0.7
WIN 2162	1.7	1.9	14.5	50.5	13.4	81.9	46.2	31.5	3.8	40.0	1.5

*Positive values are river gains.





Figures 3 and 4. Graphs of the net effects of the proposed mitigation on the Snake River.

Because the analysis submitted by the applicant evaluated the new water right and mitigation simultaneously, IDWR performed an analysis of proposed pumping only in order to evaluate impacts due to the proposed water right without mitigation (Appendix C).

Mitigation

A mitigation plan must address changes to the volume, location, and timing of water availability in order to fully compensate for ground water pumping impacts.

Mitigation Location

The mitigation plan proposes to divert water from the Little Wood at a POD that is located approximately 4.5 miles east of the city. From the POD, the water runs through a man-made channel constructed by the Corps of Engineers, and into a natural basalt channel that serves as the recharge basin (Figure 5). The city is negotiating an agreement with the U.S. Bureau of Land Management to use the site for recharge.

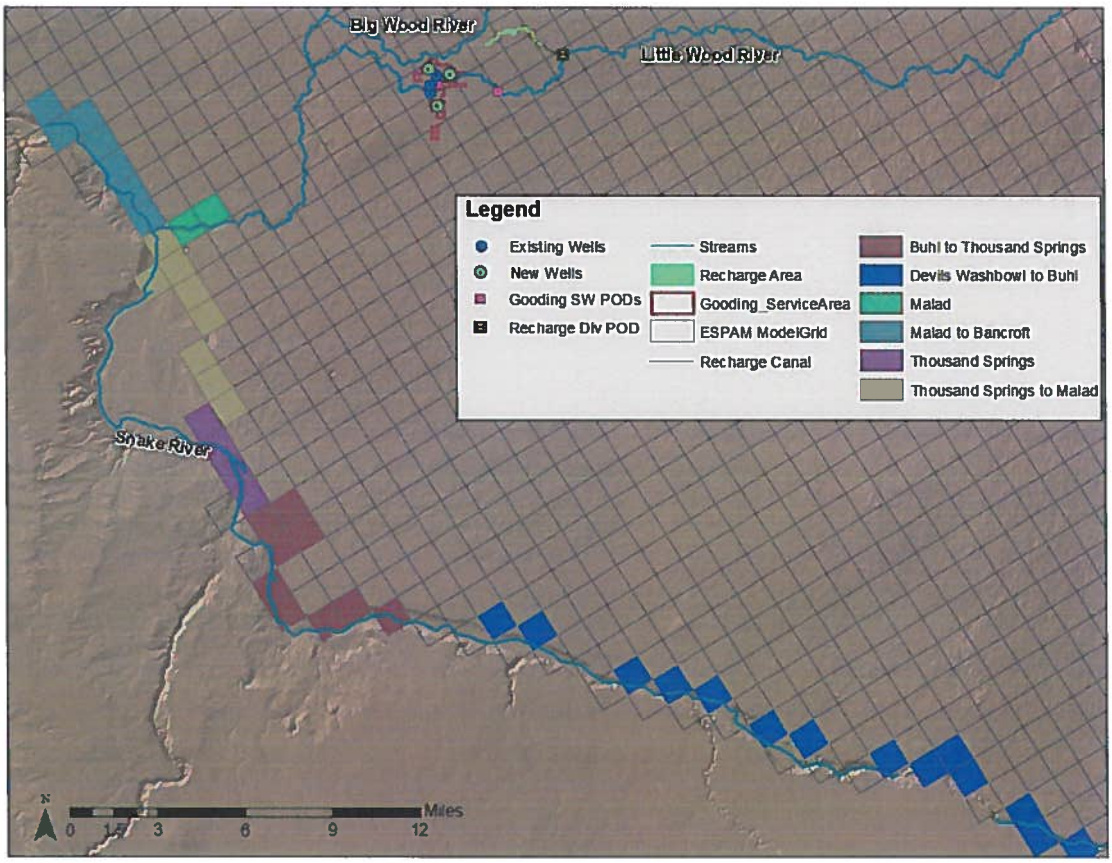


Figure 5. Snake River reaches impacted by proposed plan.

Historically, this basin has been used to divert flood flows from the Little Wood. Based on the city's historic management of flood flows, the infiltration capacity of the basin is estimated by the applicant to be 30-40 cfs, which is ample to infiltrate the proposed 7.21 cfs maximum diversion rate.

Although the recharge site is not located in the immediate vicinity of the proposed pumping, recharge in the basin provides mitigation to all of the river reaches impacted by the proposed pumping.

Mitigation Timing
Using ESPAM1.1, the timing of mitigation is generally appropriate for the proposed diversion. Although the long-term (steady-state) impacts to all reaches are positive, a small, short-term depletion occurs in the Malad-to-Bancroft reach during early model time steps when pumping and recharge commence concurrently. Therefore, the mitigation plan proposes to begin recharging one year before the onset of the new pumping. This staggered start to the mitigation plan fully mitigates the Snake River for the proposed pumping.

Mitigation Volume
Using ESPAM1.1, the volume of mitigation is appropriate for the proposed diversion. The mitigation plan proposes to recharge a volume equivalent to what is diverted under the new water right. Although the proposal is to divert and recharge 2,367 acre-ft, the consumptive use for the 538-acre POU is approximately 1,846 acre-ft. Therefore, the plan includes 791.1 acre-ft of additional recharge in the form of excess irrigation.

The mitigation plan states that if the city is unable to recharge the full 2,637 acre-ft, the diversion under the new permit will be limited to the actual recharge volume that is achieved.

Mitigation Delivery and Measurement
The mitigation plan proposes to divert Little Wood water from an existing POD which is currently used to divert flood water. Two concrete structures built by the Corps of Engineers exist at the POD. The city currently maintains the structures.

The mitigation plan proposes that a new headgate and measuring device be constructed directly adjacent to the current POD so that recharge water can be measured. Water that is diverted into the headgate would be dedicated to recharge, and re-enter the man-made channel a short distance from the headgate. The plan further proposes to install a measurement system that comprises a ramped broad-crested weir equipped with a stilling well, level sensor, and continuous data recorder.

Summary and Conclusions

The City of Gooding has applied for a new groundwater right to replace a surface diversion that had been used in a deteriorating gravity irrigation system. The proposed water right is for 2,637 acre-ft/yr at a maximum 7.21 cfs, diverted during the spring and summer trimesters. The additional volume would be provided by three existing and up to three new municipal wells. The proposed POU is the City of Gooding Service Area, which is located within the boundaries of the Eastern Snake Plain Aquifer Model (ESPAM) version 1.1.

Mitigation for the impacts due to additional pumping would be supplied by existing City of Gooding municipal water rights 37-709A, 37-960A, 37-262A, 37-271A, 37-282, and 37-662 from the Little Wood River. Mitigation would consist of diverting 2,637 acre-ft into an existing recharge basin located approximately 3.5 miles east of Gooding. In order

to fully mitigate for the new right, recharge activities will begin one year before the onset of new pumping.

Specific elements of the mitigation plan area as follows:

1. The city proposes to use existing municipal irrigation rights to recharge the ESPA via diversions from the Little Wood as mitigation. Analyses presented by the city indicate that the surface-water rights have been fully utilized in the recent past and are of sufficient priority to provide consistent mitigation water.

2. If the city is unable to recharge the full 2,637 acre-ft, the diversion under the new permit will be limited to the actual recharge volume that is achieved.

3. The proposed recharge site is currently used to divert and infiltrate Little Wood flood water.

4. Based on historical use, the applicant estimates that the capacity of the recharge site is 30 to 40 cfs, which is significantly greater than maximum diversion rate for the proposed water right (7.21 cfs).

5. The city proposes measuring the diversions associated with the new right, as well as the recharge diversions, to monitor the mitigation plan because consumptive use is difficult to measure. It is not clear how the city will distinguish pumping associated with the new right from other municipal pumping.

6. The proposed recharge site is owned by the U.S. Bureau of Land Management. The city is in negotiations to use the site for annual recharge.

7. The current POD for the recharge area was built by the U.S. Corps of Engineers, and is maintained by the city. The recharge POD property is privately owned, but the city has a right of way to the property.

8. The applicant proposes to build a dedicated POD adjacent to the existing POD. The new POD would be equipped with a ramped broad-crested weir, stilling well, level sensor, and continuous data recorder to measure recharge diversions.

9. As presented, the mitigation plan appears to mitigate all reaches of the Snake River, and predicted water-level impacts are minimal (< 2 ft), both inside and outside the City of Gooding service area.

References

Cosgrove, D.M., Contor, B.A., Johnson, G.S. 2006. Enhanced Snake Plain Aquifer Model Final Report. Idaho Water Resources Research Institute Technical Report 06-002.

Erickson, N., Nelson, D., and Contor, B.A. 2006. Non-Snake River Diversions and Perched River Seepage. Water Resources Research Institute Technical Report 06-003.

Whitehead, R.L. 1992. Geohydrologic Framework of the Snake River Plain Regional Aquifer System, Idaho and Eastern Oregon. U.S. Geological Survey Professional Paper 1408-B.

APPENDIX A

CROSS-SECTION

In an effort to understand the local hydrogeology, a simplified lithologic cross-section has been created using driller's reports. The water table is a representation of depth-to-water as reported by the driller's and is therefore approximate. The figures presented below are inteded to give the reader a general understanding of the relationship between subsurface lithology, the water table and land surface.

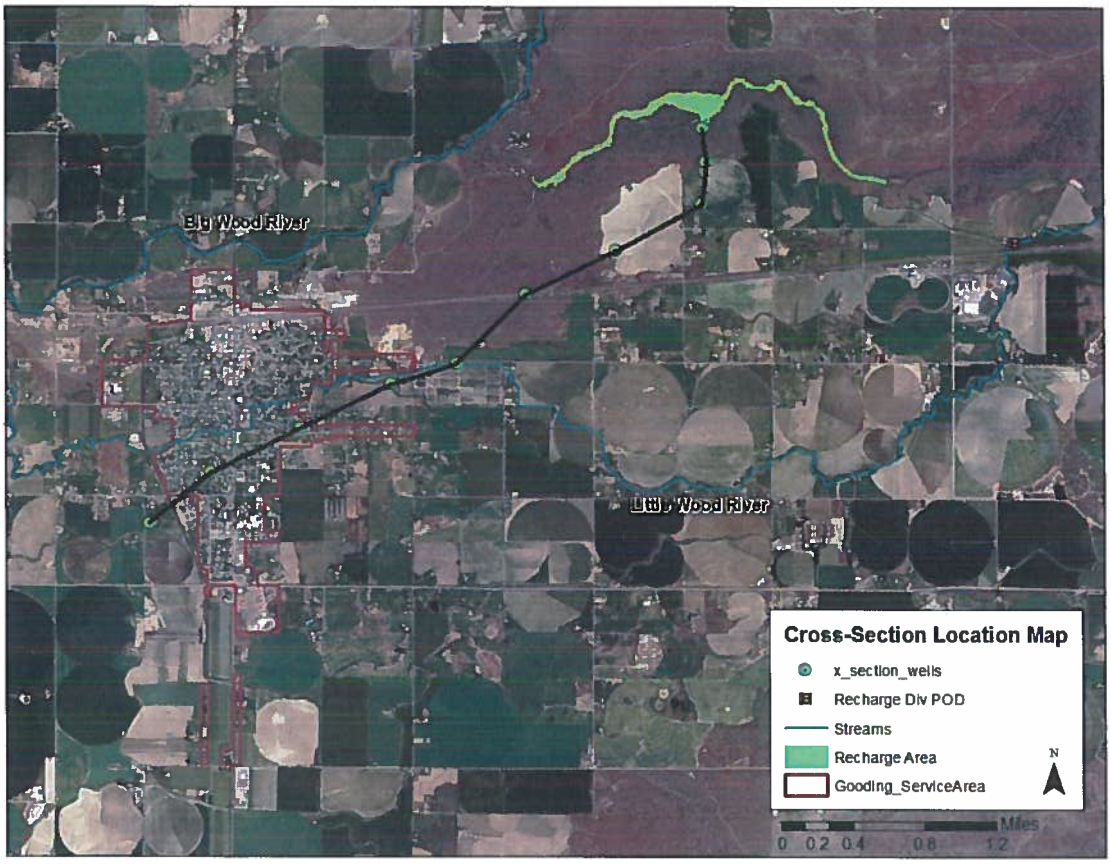


Figure A-1. Cross-section location map.

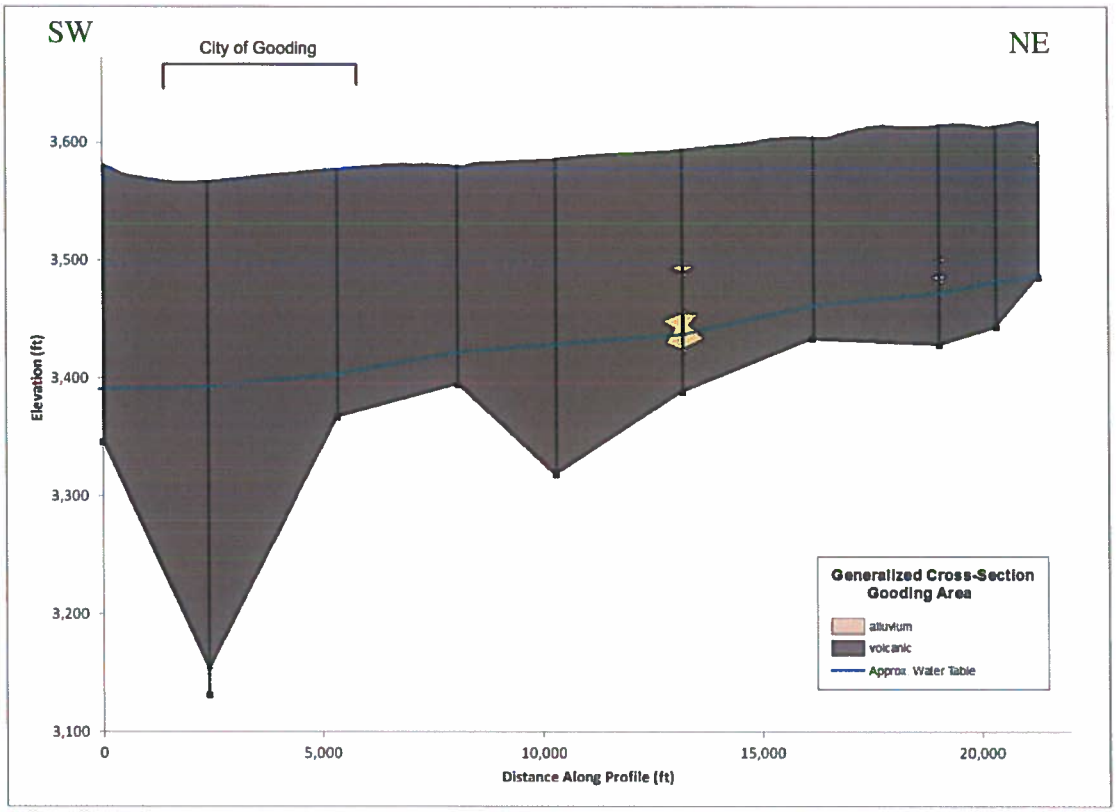


Figure A-2. Generalized cross-section of the Gooding area.

APPENDIX B

APPLICANT'S LOCALIZED MODEL RESULTS:

WATER-LEVEL CHANGES DUE TO MITIGATION PLAN

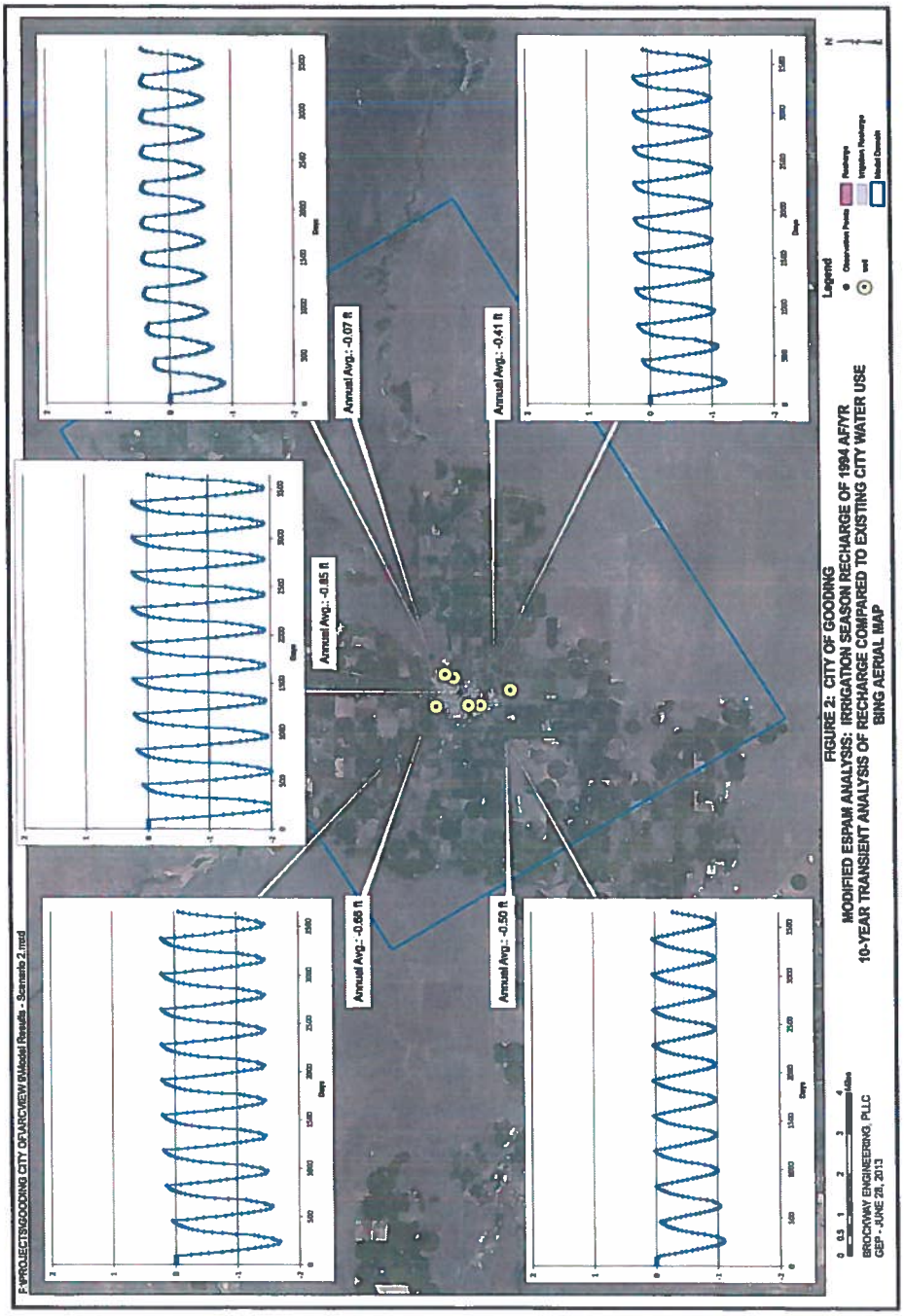


Figure B-1. Modeled water-level changes resulting from implementation of the mitigation plan. Model assumes pumping and recharge begin the same year.

APPENDIX C

ADDITIONAL TRANSFER TOOL ANALYSES

PUMPING ONLY and CONSUMPTIVE USE

Additional Transfer Tool Analysis: Pumping Only

The applicant submitted a Transfer Tool analysis that evaluates both the new water right and mitigation together. In order to evaluate the impacts due to the new water right without mitigation, IDWR has run the anticipated needs analysis with proposed pumping only.

Table C-1. Transfer Tool input data for pumping with no mitigation.

cell	36,25	36,26	37,25	37,24	36,24
TRIMESTER	Pump + Excess Irr.	Pump + Excess Irr.	Pump + Excess Irr.	Excess Irr	Excess Irr
SPR 2014	-279	-279	-279	61	61
SUM 2014	-442	-442	-442	97	97
WIN 2014	0	0	0	0	0
SPR 2015	-279	-279	-279	61	61
SUM 2015	-442	-442	-442	97	97
WIN 2015	0	0	0	0	0
SPR 2163	-279	-279	-279	61	61
SUM 2163	-442	-442	-442	97	97
WIN 2163	0	0	0	0	0

Table C-2. Calculated effects without mitigation.

	A-R	H-S	S-NB	NB-NLY	NLY-MIN	DWB-BUL	BUL-KSP	KSP	KSP-MLD	MLD	MLD-BAN
SPR 2163	-2.1	-2.4	-18.1	-63.2	-16.7	-148.5	-104.2	-77.6	-11.0	-137.4	-5.2
SUM 2163	-2.1	-2.4	-18.1	-63.2	-16.7	-176.4	-136.8	-105.3	-15.5	-203.3	-7.3
WIN 2163	-2.1	-2.4	-18.1	-63.2	-16.7	-144.0	-95.7	-67.3	-9.0	-87.8	-4.1

Pumping of the new water right (with no mitigation) results in depletions to all reaches of the Snake River.

Additional Transfer Tool Analysis: Consumptive Use

The Transfer Tool analysis submitted by the applicant considered actual pumping diversions minus excess irrigation (recharge) instead of consumptive use. Actual diversions minus excess irrigation are volumetrically equal to consumptive use; however, there are slight modeling differences due to the spatial location of the excess recharge. In order to quantify the differences, IDWR has run the Transfer Tool analysis using consumptive use.

Table C-3. Transfer Tool input for consumptive use analysis.

cell	36,28	36,29	37,29	36,25	36,26	37,25
TRIMESTER	Recharge	Recharge	Recharge	Pump	Pump	Pump
SPR 2014	340	340	340	0	0	0
SUM 2014	539	539	539	0	0	0
WIN 2014	0	0	0	0	0	0
SPR 2015	340	340	340	-238	-238	-238
SUM 2015	539	539	539	-378	-378	-378
WIN 2015	0	0	0	0	0	0
SPR 2163	340	340	340	-238	-238	-238
SUM 2163	539	539	539	-378	-378	-378
WIN 2163	0	0	0	0	0	0

Table C-4. Calculated effects using consumptive use instead of diversions minus excess irrigation.

	A-R	H-S	S-NB	NB-NLY	NLY-MIN	DWB-BUL	BUL-KSP	KSP	KSP-MLD	MLD	MLD-BAN
SPR 2163	1.7	2.0	14.9	52.0	13.8	80.1	41.9	26.7	2.7	15.5	0.8
SUM 2163	1.7	2.0	14.9	52.0	13.8	82.3	42.7	26.3	2.3	6.0	0.5
WIN 2163	1.7	2.0	14.9	52.0	13.8	83.7	47.0	32.0	3.8	40.7	1.5

Skinner, Corey

From: Charles G. Brockway [charles.g.brockway@brockwayeng.com]
Sent: Tuesday, September 17, 2013 3:43 PM
To: Skinner, Corey
Cc: Todd Bunn
Subject: City of Gooding
Attachments: Transfer Attachment 7B.jpg; Exhibit A&B revised.pdf; Application maps.jpg

Corey,

In response to your recent inquiry regarding the City of Gooding permit and transfer applications, the following documents are attached:

Revised maps showing correct locations of 3 existing and 3 proposed new wells
Revised Exhibit A for the permit application, showing PODs consistent with the mapped locations
Revised map showing location of recharge area consistent with part 1.B.4 of the transfer application

The City will also be filing an additional transfer application on the existing groundwater rights to "clean up" the points of diversion. I am awaiting that signature and will forward it to you along with the application fee when I receive it.

Thanks,
Chuck

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
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Twin Falls, ID 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

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

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics
Hydrology
Water Resources

RECEIVED
AUG 27 2013
DEPT. OF WATER RESOURCES
SOUTHERN REGION

August 20, 2013

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301

Re: City of Gooding applications for permit and transfer
Project No. 1176-02-2013

Dear Allen:

Enclosed please find an Application for Permit and associated Application for Transfer on behalf of the City of Gooding. As described in the technical information submitted with the applications, the City is proposing to decommission its surface water distribution system and draw all of the municipal supply including irrigation from its existing wells and up to three (3) new wells. As mitigation for this new groundwater appropriation, the surface water irrigation rights from the Little Wood River would be recharged in an existing channel northeast of the City. The application for transfer would convert these rights to Groundwater Recharge. A modeling analysis utilizing the adopted ESPA model, in addition to a local-scale model developed by Brockway Engineering specifically for this project, indicates that the proposal will have no adverse effect on either Snake River reaches or local groundwater levels.

Application fees of $530 for the permit and $1,310 for the transfer are being submitted with this letter.

Cordially,

Charles G. Brockway, P.E.

Enc.
Cc: Todd Bunn, City of Gooding
Jim Mullen, Keller Associates

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

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

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