

RECEIVED

SEP 20 2013

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEPT. OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change

1. APPLICANT(S) City of Gooding Phone (208) 934-5669

2. MAILING ADDRESS 308 5th Avenue West City Gooding

State ID Zip 83330 Email _____

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 37-4080, 37-11221

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 7.05 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
05S	15E	32			SW	SW	Gooding	Groundwater	4th Ave
06S	15E	6	1		NE	NE	Gooding	Groundwater	Senior Avenue
06S	15E	6			SE	NE	Gooding	Groundwater	13th Avenue
05S	15E	31			NE	SE	Gooding	Groundwater	New Well
05S	15E	32			SE	SW	Gooding	Groundwater	New Well
06S	15E	5			SW	SW	Gooding	Groundwater	New Well

6. 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:

Each municipal well has control valves and a measuring device.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. 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(s), or

☐☒

currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Walter Nelson
Signature of applicant or authorized agent

Walter Nelson Mayor
Print name and title if applicable

18 Sept 2013
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by DM

Date 9-20-2013

Fee paid \$1060.00 Date 9/20/13

Received by P. SKINNER

Receipt # 5033531

Preliminary review completed by _____ Date _____

Exhibit A

City of Gooding Application for Permit

3. Location of point(s) of diversion

Twsp	Rge	Sec	Govt Lt	¼	¼	¼	County	Source	Local name or tag #
05S	15E	32			SW	SW	GOODING	GROUNDWATER	4th Ave
06S	15E	6	1		NE	NE	GOODING	GROUNDWATER	Senior Ave
06S	15E	6			SE	NE	GOODING	GROUNDWATER	13th Ave
05S	15E	31			NE	SE	GOODING	GROUNDWATER	New Well
05S	15E	32			SE	SW	GOODING	GROUNDWATER	New Well
06S	15E	5			SW	SW	GOODING	GROUNDWATER	New Well

Exhibit B

City of Gooding Application for Permit

6. Proposed diverting works:

- c. Proposed well diameter for all new wells is 16 inches; proposed depth of well is 450 ft.
- e. If well is already drilled, when? 11/4/1996; drilling firm Eaton Drilling
Well was drilled for (well owner)City of Gooding; Drilling Permit No. Not known
- e. If well is already drilled, when? 2/25/1971; drilling firm Elsing Well Drilling
Well was drilled for (well owner)City of Gooding; Drilling Permit No. Not known
- e. If well is already drilled, when? 1/19/1962; drilling firm Eaton Drilling
Well was drilled for (well owner)City of Gooding; Drilling Permit No. Not known

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

Current Water Right No.: 37-4080

Current Owner: CITY OF GOODING

Priority Date: 9/28/1928

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

MUNICIPAL

01/01 to 12/31

2.8 CFS

Total Diversion

2.8 CFS

Location of Point(s) of Diversion

GROUND WATER

NE1/4SE1/4SW1/4

Sec. 32, Twp 05S, Rge 15E B.M.

GOODING County

GROUND WATER

NW1/4SW1/4SW1/4

Sec. 32, Twp 05S, Rge 15E B.M.

GOODING County

GROUND WATER

L1(SW1/4NE1/4NE1/4)

Sec. 6, Twp 06S, Rge 15E B.M.

GOODING County

GROUND WATER

SW1/4SE1/4NE1/4

Sec. 6, Twp 06S, Rge 15E B.M.

GOODING County

GROUND WATER

NE1/4NW1/4NW1/4

Sec. 8, Twp 06S, Rge 15E B.M.

GOODING County

GROUND WATER

NE1/4SE1/4SW1/4

Sec. 32, Twp 05S, Rge 15E B.M.

GOODING County

Place of Use

MUNICIPAL Within GOODING County

T05S R15E S31		SENE	T05S R15E S31		SESW
T05S R15E S31		NESE	T05S R15E S31		NWSE
T05S R15E S31		SWSE	T05S R15E S31		SESE
T05S R15E S32		SWNW	T05S R15E S32		SENW
T05S R15E S32		NESW	T05S R15E S32		NWSW
T05S R15E S32		SWSW	T05S R15E S32		SESW
T05S R15E S32		NESE	T05S R15E S32		NWSE
T05S R15E S32		SWSE	T05S R15E S32		SESE
T06S R15E S5	Lot 1	NENE	T06S R15E S5	Lot 2	NWNE
T06S R15E S5	Lot 3	NENW	T06S R15E S5	Lot 4	NWNW
T06S R15E S5		SWNW	T06S R15E S5		SENW
T06S R15E S5		NWSW	T06S R15E S5		SWSW
T06S R15E S6	Lot 1	NENE	T06S R15E S6	Lot 2	NWNE
T06S R15E S6		SWNE	T06S R15E S6		SENE
T06S R15E S6	Lot 3	NENW	T06S R15E S6		NESE
T06S R15E S6		NWSE	T06S R15E S6		SESE
T06S R15E S7		NENE	T06S R15E S7		NESE
T06S R15E S7		SESE	T06S R15E S8		NWNW
T06S R15E S8		SWNW	T06S R15E S8		NWSW
T06S R15E S8		SWSW			

Conditions of Approval:

1. E51 RIGHT NOS. 37-4080 AND 37-11221 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.05 CFS.
2. J03 PLACE OF USE IS WITHIN THE CITY OF GOODING AND SURROUNDING SERVICE AREA.
3. 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.

Decreed Date: 12/11/2002

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

Current Water Right No.: 37-11221

Current Owner: CITY OF GOODING
Priority Date: 4/20/1977
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

MUNICIPAL

01/01 to 12/31

5.9 CFS

Total Diversion

5.9 CFS

Location of Point(s) of Diversion

GROUND WATER

L1(SW1/4NE1/4NE1/4)

Sec. 6, Twp 06S, Rge 15E B.M.

GOODING County

GROUND WATER

SW1/4SE1/4NE1/4

Sec. 6, Twp 06S, Rge 15E B.M.

GOODING County

GROUND WATER

NE1/4NW1/4NW1/4

Sec. 8, Twp 06S, Rge 15E B.M.

GOODING County

GROUND WATER

NW1/4SW1/4SW1/4

Sec. 32, Twp 05S, Rge 15E B.M.

GOODING County

GROUND WATER

NE1/4SE1/4SW1/4

Sec. 32, Twp 05S, Rge 15E B.M.

GOODING County

GROUND WATER

NE1/4SE1/4SW1/4

Sec. 32, Twp 05S, Rge 15E B.M.

GOODING County

Place of Use

MUNICIPAL Within GOODING County

T05S R15E S31		SENE	T05S R15E S31		SESW
T05S R15E S31		NESE	T05S R15E S31		NWSE
T05S R15E S31		SWSE	T05S R15E S31		SESE
T05S R15E S32		SWNW	T05S R15E S32		SENW
T05S R15E S32		NESW	T05S R15E S32		NWSW
T05S R15E S32		SWSW	T05S R15E S32		SESW
T05S R15E S32		NESE	T05S R15E S32		NWSE
T05S R15E S32		SWSE	T05S R15E S32		SESE
T06S R15E S5	Lot 1	NENE	T06S R15E S5	Lot 2	NWNE
T06S R15E S5	Lot 3	NENW	T06S R15E S5	Lot 4	NWNW
T06S R15E S5		SWNW	T06S R15E S5		SENW
T06S R15E S5		NWSW	T06S R15E S5		SWSW
T06S R15E S6	Lot 1	NENE	T06S R15E S6	Lot 2	NWNE
T06S R15E S6		SWNE	T06S R15E S6		SENE
T06S R15E S6	Lot 3	NENW	T06S R15E S6		NESE
T06S R15E S6		NWSE	T06S R15E S6		SESE
T06S R15E S7		NENE	T06S R15E S7		NESE
T06S R15E S7		SESE	T06S R15E S8		NWNW
T06S R15E S8		SWNW	T06S R15E S8		NWSW
T06S R15E S8		SWSW			

Conditions of Approval:

1. P29 THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 37-7585 AND 37-7586.
2. E51 RIGHT NOS. 37-4080 AND 37-11221 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.05 CFS.
3. J03 PLACE OF USE IS WITHIN THE CITY OF GOODING AND SURROUNDING SERVICE AREA.
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.

Decreed Date: 12/11/2002



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
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
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 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
Published on February 6th & 13th, 2014

MEMORANDUM

Date: January 23, 2014
To: Transfer 78928 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Application proposes changing the authorized points of diversion for two municipal groundwater rights, 37-4080 and 37-11221, 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. The wells are located within the ESPA and Water District 130. The new wells are located in either the same groundwater model cell as the existing wells or an adjacent groundwater model cell as the existing wells. Therefore, a groundwater model analysis is not required.

- **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 mayor of the city.
 - **Water Right Validity:**
The rights involved with the transfer were decreed in the SRBA in December of 2002. The rights have been utilized to provide municipal water within the city.
 - **Injury to Other Water Rights:**
None anticipated. The new wells are in the same, or an adjacent, groundwater model cell as existing wells currently authorized by the rights.
 - **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 ft³/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.

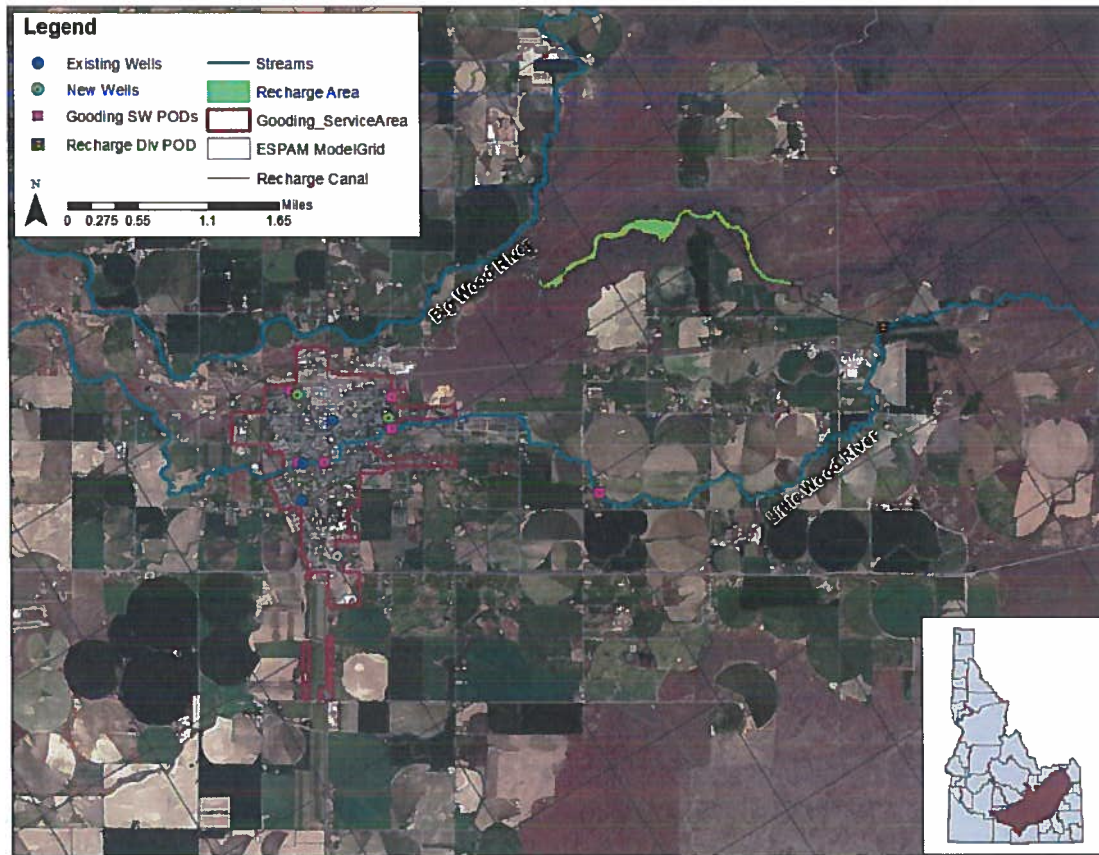


Figure 1. Location of the mitigation recharge site and current and proposed municipal wells and surface water points of diversion.

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 administering 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 ft²/day (Cosgrove et al, 1980).

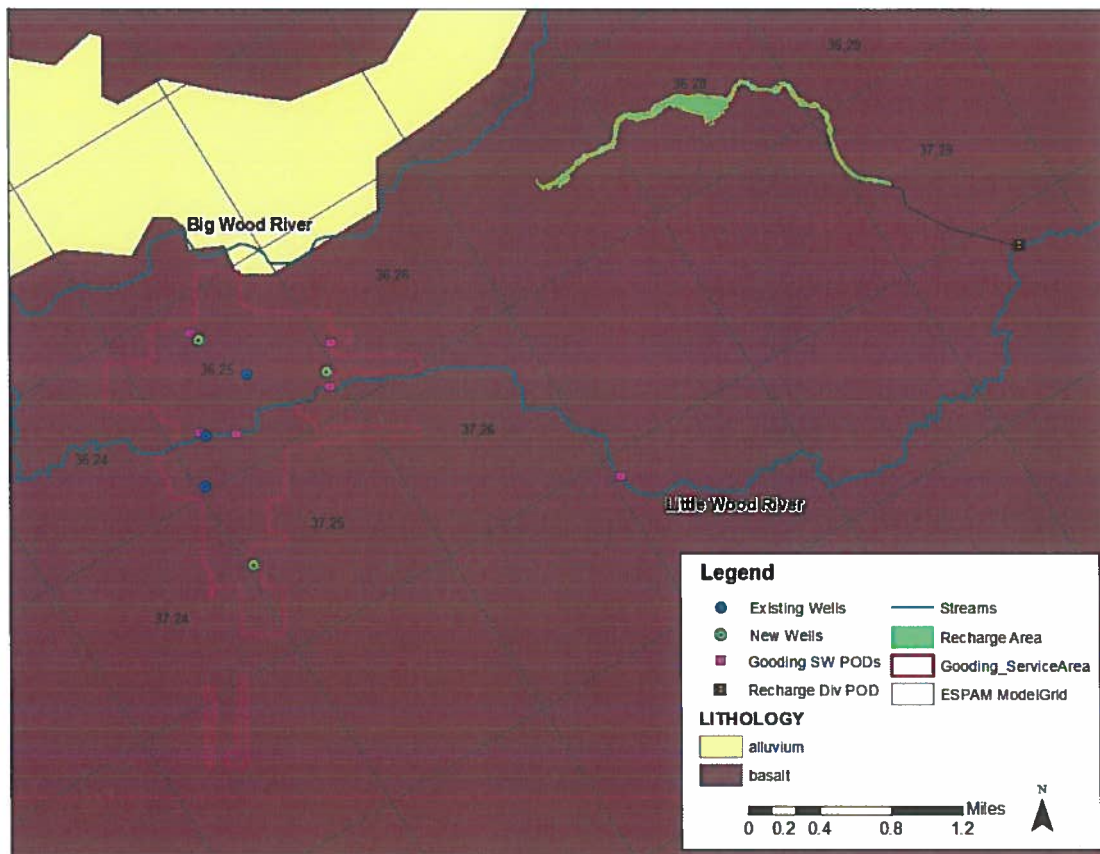


Figure 2. Generalized lithology of the Gooding area.

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).

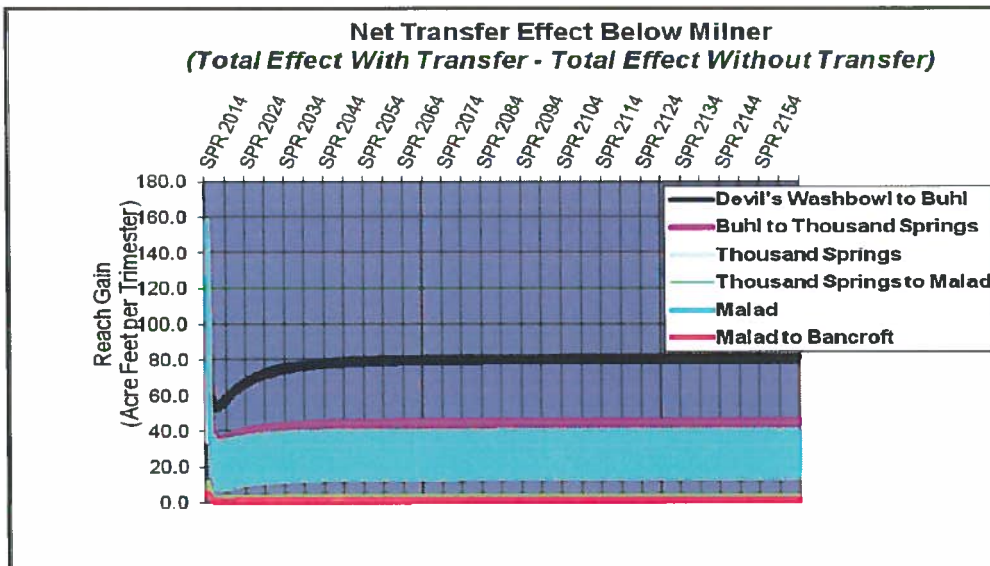
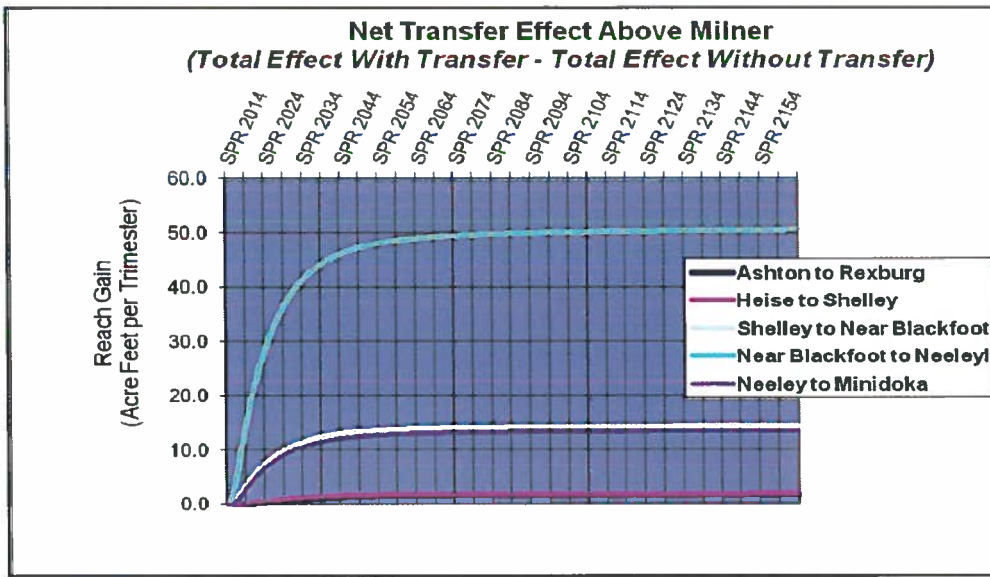
cell	36,28	36,29	37,29	36,25	36,26	37,25	37,24	36,24
TRIMESTER	Recharge	Recharge	Recharge	Pump + Excess Irr.	Pump+ Excess Irr.	Pump + Excess Irr.	Excess Irr	Excess Irr
SPR 2014	340	340	340	0	0	0	0	0
SUM 2014	539	539	539	0	0	0	0	0
WIN 2014	0	0	0	0	0	0	0	0
SPR 2015	340	340	340	-279	-279	-279	61	61
SUM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

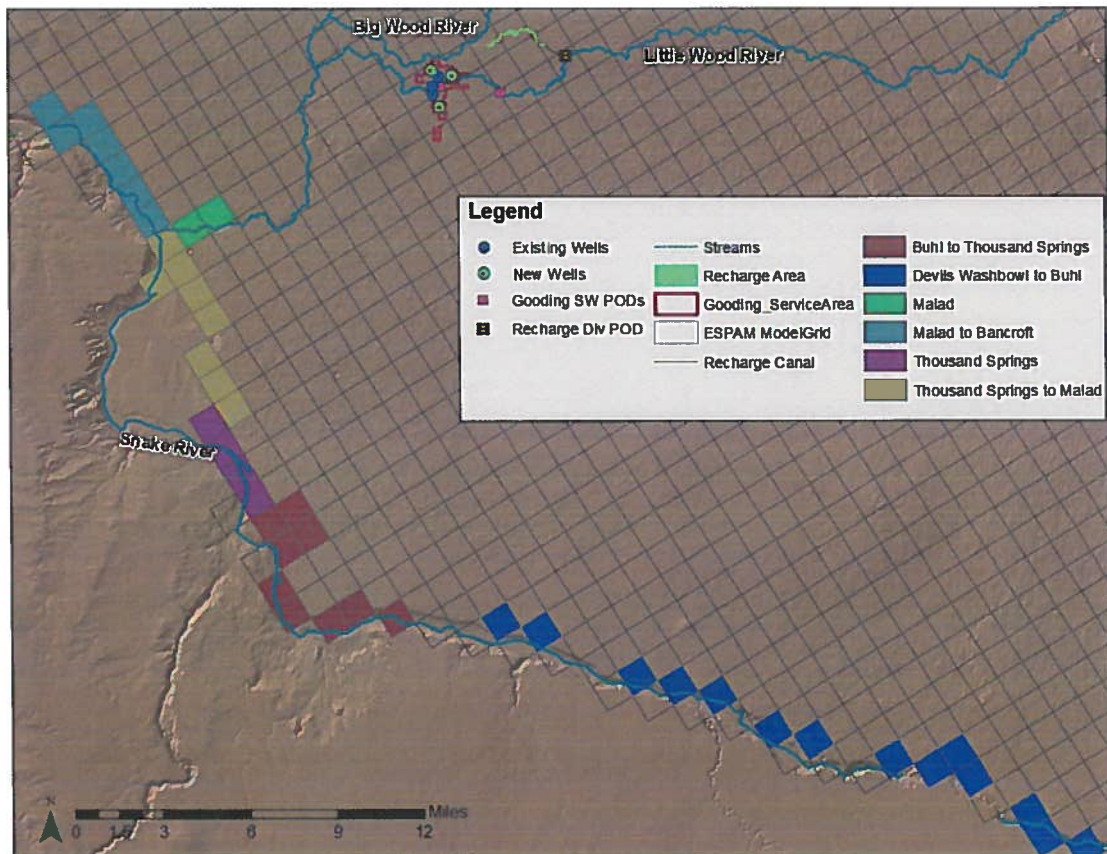


Figure 5. Snake River reaches impacted by proposed plan.

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 intended to give the reader a general understanding of the relationship between subsurface lithology, the water table and land surface.

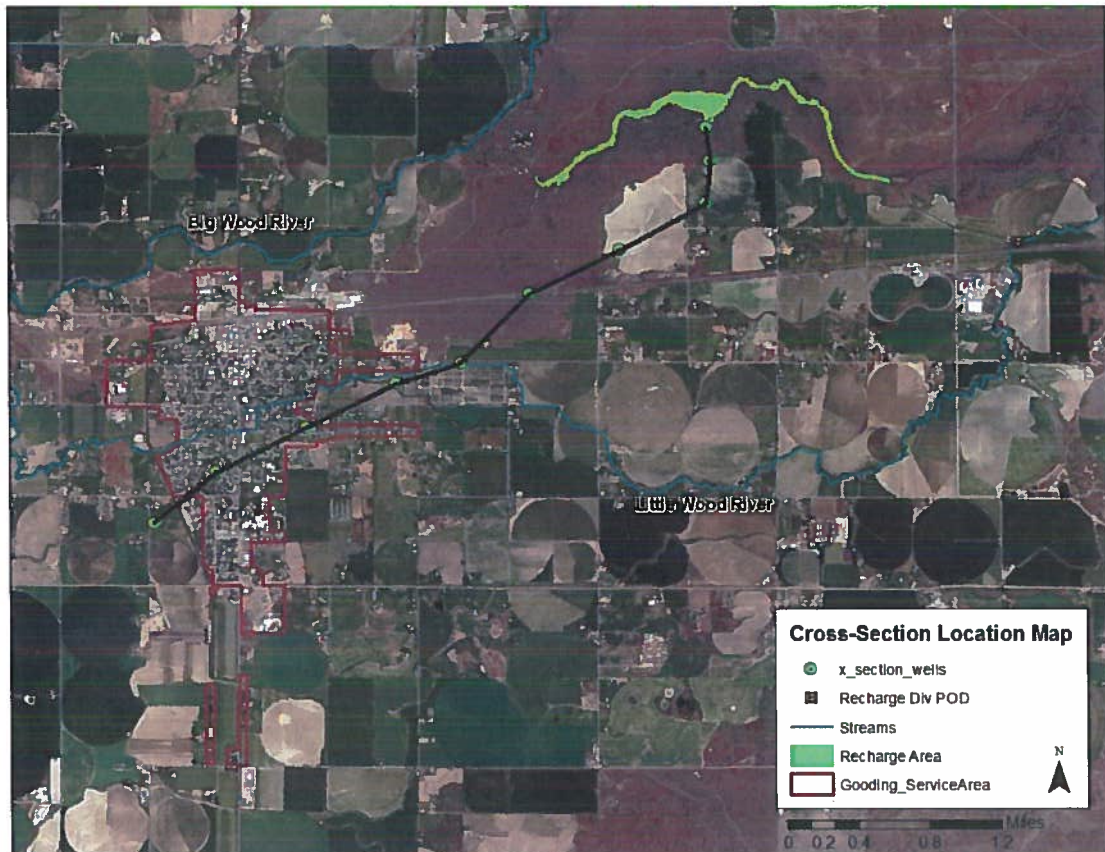


Figure A-1. Cross-section location map.

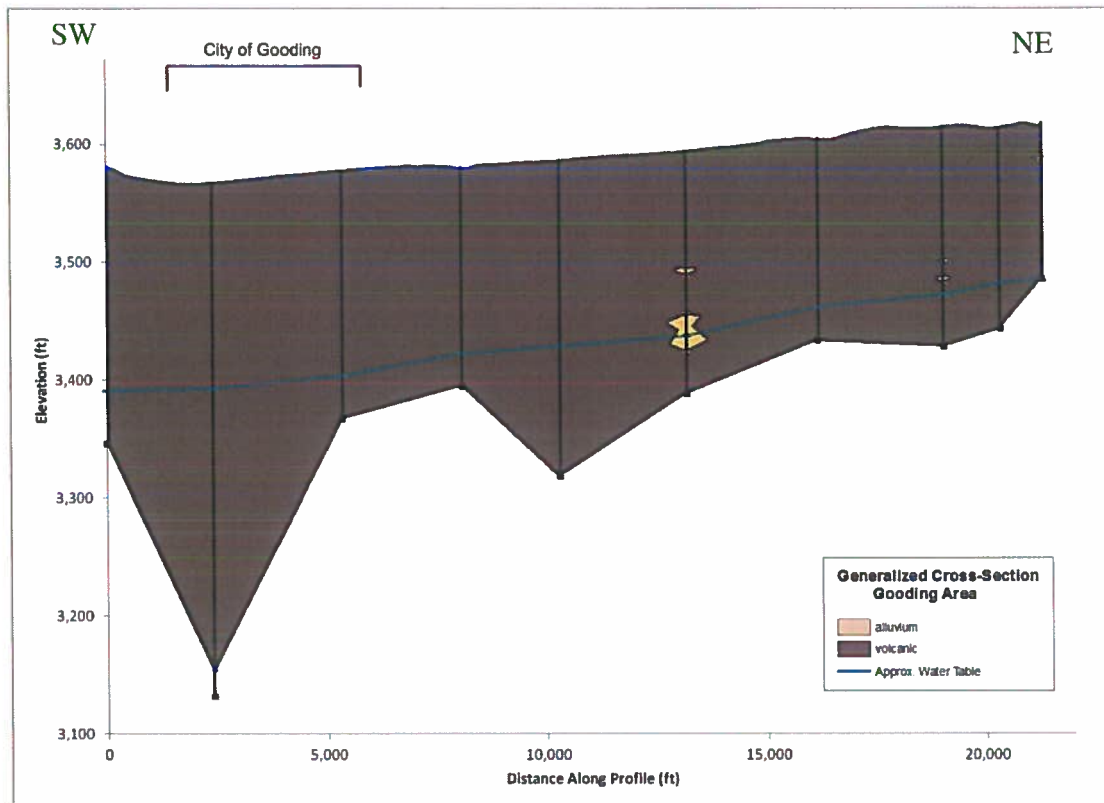


Figure A-2. Generalized cross-section of the Gooding area.

APPENDIX B

APPLICANT'S LOCALIZED MODEL RESULTS: WATER-LEVEL CHANGES DUE TO MITIGATION PLAN

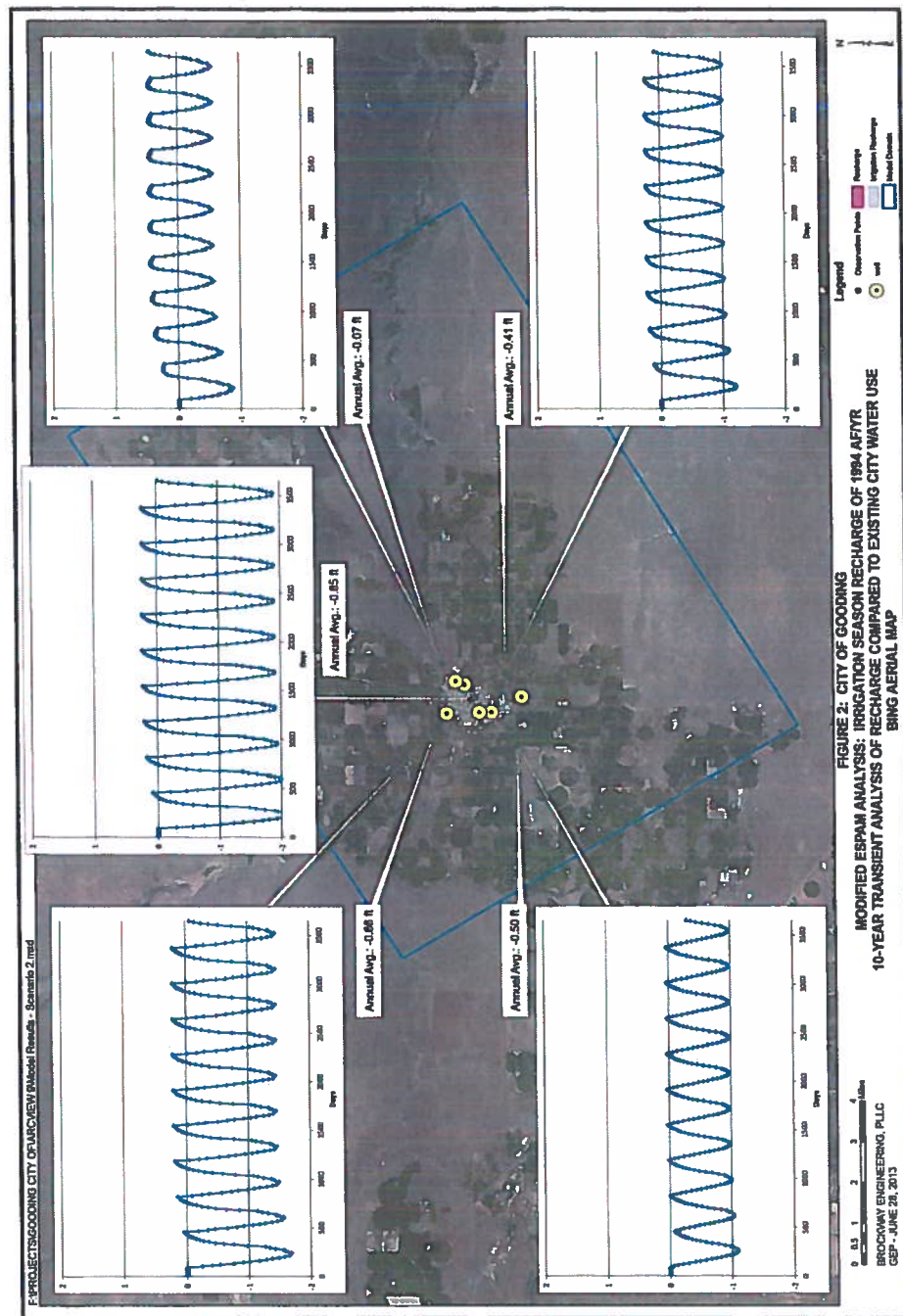


Figure B-1. Modeled water-level changes resulting from implementation of the mitigation plan. Model assumes pumping and recharge begin the same year.

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

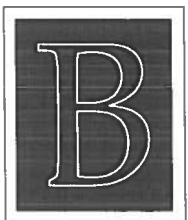
The Transfer Tool analysis submitted by the applicant considered actual pumping diversions minus excess irrigation (recharge) instead of consumptive use. Actual diversions minus excess irrigation are volumetrically equal to consumptive use; however, there are slight modeling differences due to the spatial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



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P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

SEP 20 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

September 20, 2013

Mr. Corey Skinner
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

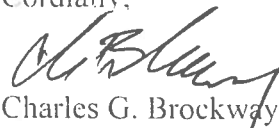
Re: City of Gooding transfer

Dear Corey:

Enclosed please find an Application for Transfer of Water Right – Point(s) of Diversion, which seeks to align the authorized points of diversion under the City's existing groundwater rights with the three (3) existing and three (3) new well locations delineated on the new permit application which you are currently processing. Per your guidance, the legal descriptions are given only to the nearest 40-acre tract.

Please let me know if there are any further questions.

Cordially,


Charles G. Brockway, P.E.

Enc. Application
Application Fee \$1,060.00

Cc: Todd Bunn, City of Gooding

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

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