

RECEIVED

OCT 18 2013

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78273

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-

- ☐ ☒ #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 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system detail 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: Narrative

AMENDED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No. 78273**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**Name of Applicant(s) City of Mountain Home Phone (208) 587-2108Mailing address P.O. Box 10, Mountain Home, ID 83647 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 RepresentativeName of Representative Charles G. Brockway, P.E. Phone (208) 736-8543Mailing address 2016 Washington St N Ste 4 Email _____

- ☐ 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

Tom Rist, Mayor
 Print Name and Title if applicable

8-22-13
 Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
- 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. Add new points of diversion and transfer irrigation rights to the City of Mountain Home water supply system for use within the service area of the City.**

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.

I.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part					
☒ ☐	61-2188	2.66 / 593.7	Municipal	3/15 to 11/15	Groundwater
☒ ☐	61-7151	1.14 / 400.0	Municipal	4/1 to 10/31	Groundwater
☒ ☐	61-2167	1.97 / 628.0	Municipal	4/1 to 11/1	Groundwater
☒ ☐	61-2210	5.35 / 1172.0	Municipal	4/1 to 11/1	Groundwater
☒ ☐	61-7439	3.14 / 628.0	Municipal	4/1 to 10/31	Groundwater
☒ ☐	61-7172F	2.81 / 885.3	Municipal	3/15 to 10/15	Groundwater
☒ ☐	61-2072	2.00	Municipal	1/1 to 12/31	Groundwater
☒ ☐	61-2170	9.64	Municipal	1/1 to 12/31	Groundwater
☒ ☐	61-7184	4.35	Municipal	1/1 to 12/31	Groundwater
☒ ☐	61-7339	4.50	Municipal	1/1 to 12/31	Groundwater
x	Total authorized under rights		36.42 cfs and/or	ac-ft	

2. Total amount of water proposed to be transferred or changed 36.42 cubic feet per second and/or _____ acre-feet per annur

3. Point(s) of Diversion: See attached POD supplement.

- ☐ 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.**

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.) See attached POU supplement and service area

- ☐ 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 Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) _____

AMENDED*

Point of Diversion Supplement
Application for Transfer - City of Mountain Home
August 2013

Location of Points of Diversion

Twp	Rge	Sec	1/4	1/4	1/4	Lot	County	Source	Local Name	Existing POD ⁽¹⁾	Proposed POD ⁽²⁾	Active Well ⁽³⁾
03S	06E	13		SE	SW		Elmore	Groundwater	Well 12	x		x
03S	06E	23		NE	NE		Elmore	Groundwater	Legacy Park	x		
03S	06E	25		NW	NW		Elmore	Groundwater	Well 15	x		x
03S	06E	26		SE	NE		Elmore	Groundwater	Well 1	x		x
03S	06E	26		SE	NE		Elmore	Groundwater	Well 6	x		x
03S	06E	27		SW	NE		Elmore	Groundwater	Well 13	x		x
03S	06E	27		SE	SE		Elmore	Groundwater	Well 11	x		x
03S	07E	19		NE	SE		Elmore	Groundwater	Well 14	x		x
03S	07E	30		NE	NW		Elmore	Groundwater	Well 4	x		
03S	07E	30		NE	NW		Elmore	Groundwater	Well 5	x		
03S	07E	30		NW	NW	1	Elmore	Groundwater	Well 9	x		x
04S	06E	13		NE	SW		Elmore	Groundwater	South Farm Well	x		
04S	06E	13		NW	NE		Elmore	Groundwater	North Farm Well	x		
03S	06E	36		SW	NE		Elmore	Groundwater	City shop		x	
03S	06E	27		SW	NE		Elmore	Groundwater	Optimist Park		x	
03S	06E	26		NW	NW		Elmore	Groundwater	Triangle N. of #13		x	
03S	06E	13		NW	SW		Elmore	Groundwater	Tank #1		x	
03S	06E	25		SE	SE		Elmore	Groundwater	6th S & 18th E		x	
03S	07E	19		SW	SE		Elmore	Groundwater	Tank #2		x	
04S	06E	3		NE	NE		Elmore	Groundwater	Smith Rd & Bruneau Hwy		x	

- Notes:
- (1) Authorized point of diversion (well) on City's existing municipal and irrigation water rights.
 - (2) Proposed additional authorized point of diversion (well) for existing rights and new rights being moved into system.
 - (3) Active supply source to municipal system as of August 2013

*RECEIVED VIA EMAIL FROM APPLICANT'S REPRESENTATIVE 12/10/2013.

Place of Use Supplement

Application for Transfer - City of Mountain Home

August 2013

Description of Place of Use (Service Area of the City of Mountain Home)

See attached map for graphical representation of service area.

Twp	Rge	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
03S	06E	13											X	X				
03S	06E	14													X			X
03S	06E	23	X	X	X	X			X	X	X	X	X	X	X	X	X	X
03S	06E	24	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
03S	06E	25	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
03S	06E	26	X	X		X					X		X	X	X	X	X	X
03S	06E	27			X			X	X	X	X	X	X	X		X	X	X
03S	06E	28	X		X	X									X			X
03S	06E	34	X															
03S	06E	35	X	X	X	X		X			X				X	X	X	X
03S	06E	36		X	X		X	X	X	X	X	X		X		X		
03S	07E	19							X			X	X	X	X	X	X	X
03S	07E	20										X	X					
03S	07E	30	X	X	X	X	X	X	X	X	X	X	X	X		X		
04S	06E	1						X	X			X	X					
04S	06E	2	X	X														X
04S	06E	11	X			X									X			X
04S	06E	12										X	X					
04S	06E	13		X	X		X	X	X	X	X	X	X	X		X		
04S	06E	14	X	X		X									X			
04S	06E	24					X	X										

61-2188 authorized for irrigation of 133.2 acres within above-described service area.

61-7151 authorized for irrigation of 100.0 acres within above-described service area.

61-2167 authorized for irrigation of 157.0 acres within above-described service area.

61-2210 authorized for irrigation of 293.0 acres within above-described service area.

61-7439 authorized for irrigation of 157.0 acres within above-described service area.

61-7172F authorized for irrigation of 221.0 acres within above-described service area.

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:

Existing municipal water supply and distribution system. All wells have controlling works and measuring devices.

- 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. 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:

233.2 acres will no longer be irrigated.

- 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:

- 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:

Portions of 61-2188 and 61-7151 have been leased to the water supply bank since 2003.

Page 6 of 33

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

Current Water Right No.: 61-2188**Current Owner:** JAY B BROWN**Priority Date:** 2/17/1966**Origin:** Water Right**Status:** Water Supply Bank Active**Basis:** Decreed**Source****Tributary**

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	2.66 CFS	593.7 AF
	<u>Total Diversion</u>	2.66 CFS	593.7 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4NE1/4 Sec. 24, Twp 04S, Rge 05E B.M.
ELMORE County

Place of Use**IRRIGATION Within ELMORE County**

T04S R05E S24	NENE	40.00	T04S R05E S24	NWNE	40.00
T04S R05E S24	SWNE	40.00	T04S R05E S24	SENE	40.00
T04S R05E S24	NESE	40.00	T04S R05E S24	NWSE	40.00
T04S R05E S24	SWSE	10.00	T04S R05E S24	SESE	10.00

Total Acres: 260

Page 7 of 33**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. USE OF THIS RIGHT WITH RIGHT NO. 61-07151 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.66 CFS.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 133.2 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 61-07151 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 233.2 ACRES IN A SINGLE IRRIGATION SEASON.
4. C15 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
5. RIGHT NOS. 61-07151, 61-12272 AND 61-12273 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Decreed Date: 10/26/2000

Page 8 of 33

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

Current Water Right No.: 61-7151

Current Owner: JAY B BROWN

Priority Date: 4/9/1973

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	1.14 CFS	400 AF
	<u>Total Diversion</u>	1.14 CFS	400 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 24,	Twp 04S,	Rge 05E B.M.
ELMORE County				

Place of Use

IRRIGATION Within ELMORE County

T04S R05E S24	NENE	40.00	T04S R05E S24	NWNE	40.00
T04S R05E S24	SWNE	40.00	T04S R05E S24	SENE	40.00
T04S R05E S24	NESE	40.00	T04S R05E S24	NWSE	40.00
T04S R05E S24	SWSE	10.00	T04S R05E S24	SESE	10.00

Total Acres: 260

Page 9 of 33**Conditions of Approval:**

1. RIGHT NOS. 61-02188, 61-12272 AND 61-12273 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
2. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 61-02188 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 233.2 ACRES IN A SINGLE IRRIGATION SEASON.
3. C15 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
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. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
6. USE OF THIS RIGHT WITH RIGHT NO. 61-02188 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.66 CFS.

Decreed Date: 10/26/2000

Page 10 of 33

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

Current Water Right No.: 61-2167

Current Owner: CITY OF MOUNTAIN HOME

Priority Date: 4/6/1964

Origin: Water Right

Status: Active

Basis: Decreed

Source**Tributary**

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	1.97 CFS	628 AF
	<u>Total Diversion</u>	1.97 CFS	628 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 27,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SE1/4SE1/4	Sec. 27,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NE1/4NW1/4	Sec. 30,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	SE1/4SW1/4	Sec. 13,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NE1/4NE1/4	Sec. 23,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NW1/4NW1/4	Sec. 25,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NE1/4SE1/4	Sec. 19,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	NE1/4NW1/4	Sec. 30,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	L1(NW1/4NW1/4)	Sec. 30,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	SE1/4NE1/4	Sec. 26,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SE1/4NE1/4	Sec. 26,	Twp 03S,	Rge 06E B.M.
ELMORE County				

Place of Use

Page 11 of 33IRRIGATION Within ELMORE County

T03S R06E S22	SESE	T03S R06E S23	NENE
T03S R06E S23	SWNE	T03S R06E S23	SENE
T03S R06E S23	SWNW	T03S R06E S23	SENW
T03S R06E S23	NESW	T03S R06E S23	NWSW
T03S R06E S23	SWSW	T03S R06E S23	SESW
T03S R06E S23	NESE	T03S R06E S23	NWSE
T03S R06E S23	SWSE	T03S R06E S23	SESE
T03S R06E S24	NENE	T03S R06E S24	NWNE
T03S R06E S24	SWNE	T03S R06E S24	SENE
T03S R06E S24	NENW	T03S R06E S24	NWNW
T03S R06E S24	SWNW	T03S R06E S24	SENW
T03S R06E S24	NESW	T03S R06E S24	NWSW
T03S R06E S24	SWSW	T03S R06E S24	SESW
T03S R06E S24	NWSE	T03S R06E S24	SWSE
T03S R06E S24	SESE	T03S R06E S25	NENE
T03S R06E S25	NWNE	T03S R06E S25	SWNE
T03S R06E S25	SENE	T03S R06E S25	NENW
T03S R06E S25	NWNW	T03S R06E S25	SWNW
T03S R06E S25	SENW	T03S R06E S25	NESW
T03S R06E S25	NWSW	T03S R06E S25	SWSW
T03S R06E S25	SESW	T03S R06E S25	NESE
T03S R06E S25	NWSE	T03S R06E S25	SWSE
T03S R06E S25	SESE	T03S R06E S26	NENE
T03S R06E S26	NWNE	T03S R06E S26	SWNE
T03S R06E S26	SENE	T03S R06E S26	NENW
T03S R06E S26	NWNW	T03S R06E S26	SESW
T03S R06E S26	NESE	T03S R06E S26	NWSE
T03S R06E S26	SWSE	T03S R06E S26	SESE
T03S R06E S35	NENE	T03S R06E S35	NWNE
T03S R06E S35	SWNE	T03S R06E S35	SENE
T03S R06E S35	SENW	T03S R06E S35	NESE
T03S R06E S35	NWSE	T03S R06E S36	NENE
T03S R06E S36	NWNE	T03S R06E S36	SWNE
T03S R06E S36	NENW	T03S R06E S36	NWNW
T03S R06E S36	SWNW	T03S R06E S36	SENW
T03S R06E S36	NWSW	T03S R07E S19	SWNE
T03S R07E S19	SENE	T03S R07E S19	Lot 4 SWSW
T03S R07E S19	SESW	T03S R07E S19	NESE
T03S R07E S19	NWSE	T03S R07E S19	SWSE
T03S R07E S19	SESE	T03S R07E S30	NWNE
T03S R07E S30	SWNE	T03S R07E S30	NENW
T03S R07E S30	Lot 1 NWNW	T03S R07E S30	Lot 2 SWNW
T03S R07E S30	SENW	T03S R07E S30	NESW
T03S R07E S30	Lot 3 NWSW	T03S R07E S30	Lot 4 SWSW

Conditions of Approval:

Page 12 of 33

1. X27 This right is limited to the irrigation of 157 acres within the authorized place of use in a single irrigation season.
2. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
3. X63 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
4. 020 The diversion and use of water described in Transfer 72128 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
5. X36 Rights 61-2210, 61-2072, 61-2170, 61-7184 and 61-7339 are also diverted through the points of diversion described above.
6. 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.
7. 004 This right does not grant any right-of-way or easement across the land of another.
8. Any diversions of water under this right shall not be allowed if irrigation within the authorized place of use is curtailed or ceases for any reason.
9. Rights 61-2072, 61-2170, 61-7184 and 61-7339 when combined shall not exceed a total diversion rate of 20.49 cfs, and a total annual maximum diversion volume of 14,834 af for municipal purposes; and when combined with irrigation rights 61-2167 and 61-2210 are limited to a total diversion rate of 27.81 cfs and a total annual maximum diversion volume of 16,634 af.
10. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
11. The right holder shall submit a report annually to the department demonstrating that the water diverted under rights 61-2167 and 61-2210 is necessary to satisfy demands for irrigation use during the authorized period of use. The annual report shall include the maximum weekly volume diverted for all purposes during both the irrigation season and the non-irrigation season. The annual report shall also include the total volume diverted for all purposes during both the irrigation season and the non-irrigation season. After specific notification by the department, the right holder shall provide to the department any data used to compile the report.
12. Prior to diversion and use of water for irrigation purposes under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
13. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
14. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre for irrigation of the authorized place of use.
15. Every 5 years, or more or less frequently if deemed necessary by the department, the right holder shall submit an analysis of the number of acres irrigated within the authorized place of use that are not already covered by Mountain Home Irrigation District or other surface water rights, which will include an aerial photo clearly designating all lands being irrigated.

Page 13 of 33

16. 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.

Decreed Date: 10/26/2000

Page 14 of 33

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

Current Water Right No.: 61-2210

Current Owner: CITY OF MOUNTAIN HOME

Priority Date: 9/30/1966

Origin: Water Right

Status: Active

Basis: Decreed

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	5.35 CFS	1172 AF
	<u>Total Diversion</u>	5.35 CFS	1172 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4	Sec. 13,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NE1/4NE1/4	Sec. 23,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NW1/4NW1/4	Sec. 25,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SE1/4NE1/4	Sec. 26,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SE1/4NE1/4	Sec. 26,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SW1/4NE1/4	Sec. 27,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SE1/4SE1/4	Sec. 27,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NE1/4NW1/4	Sec. 30,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	NE1/4NW1/4	Sec. 30,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	NE1/4SE1/4	Sec. 19,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	L1(NW1/4NW1/4)	Sec. 30,	Twp 03S,	Rge 07E B.M.
ELMORE County				

Place of Use

Page 15 of 33IRRIGATION Within ELMORE County

T03S R06E S22	SESE	T03S R06E S23	NENE
T03S R06E S23	SWNE	T03S R06E S23	SENE
T03S R06E S23	SWNW	T03S R06E S23	SENW
T03S R06E S23	NESW	T03S R06E S23	NWSW
T03S R06E S23	SWSW	T03S R06E S23	SESW
T03S R06E S23	NESE	T03S R06E S23	NWSE
T03S R06E S23	SWSE	T03S R06E S23	SESE
T03S R06E S24	NENE	T03S R06E S24	NWNE
T03S R06E S24	SWNE	T03S R06E S24	SENE
T03S R06E S24	NENW	T03S R06E S24	NWNW
T03S R06E S24	SWNW	T03S R06E S24	SENW
T03S R06E S24	NESW	T03S R06E S24	NWSW
T03S R06E S24	SWSW	T03S R06E S24	SESW
T03S R06E S24	NWSE	T03S R06E S24	SWSE
T03S R06E S24	SESE	T03S R06E S25	NENE
T03S R06E S25	NWNE	T03S R06E S25	SWNE
T03S R06E S25	SENE	T03S R06E S25	NENW
T03S R06E S25	NWNW	T03S R06E S25	SWNW
T03S R06E S25	SENW	T03S R06E S25	NESW
T03S R06E S25	NWSW	T03S R06E S25	SWSW
T03S R06E S25	SESW	T03S R06E S25	NESE
T03S R06E S25	NWSE	T03S R06E S25	SWSE
T03S R06E S25	SESE	T03S R06E S26	NENE
T03S R06E S26	NWNE	T03S R06E S26	SWNE
T03S R06E S26	SENE	T03S R06E S26	NENW
T03S R06E S26	NWNW	T03S R06E S26	SESW
T03S R06E S26	NESE	T03S R06E S26	NWSE
T03S R06E S26	SWSE	T03S R06E S26	SESE
T03S R06E S35	NENE	T03S R06E S35	NWNE
T03S R06E S35	SWNE	T03S R06E S35	SENE
T03S R06E S35	SENW	T03S R06E S35	NESE
T03S R06E S35	NWSE	T03S R06E S36	NENE
T03S R06E S36	NWNE	T03S R06E S36	SWNE
T03S R06E S36	NENW	T03S R06E S36	NWNW
T03S R06E S36	SWNW	T03S R06E S36	SENW
T03S R06E S36	NWSW	T03S R07E S19	SWNE
T03S R07E S19	SENE	T03S R07E S19	Lot 4 SWSW
T03S R07E S19	SESW	T03S R07E S19	NESE
T03S R07E S19	NWSE	T03S R07E S19	SWSE
T03S R07E S19	SESE	T03S R07E S30	NWNE
T03S R07E S30	SWNE	T03S R07E S30	NENW
T03S R07E S30	Lot 1 NWNW	T03S R07E S30	Lot 2 SWNW
T03S R07E S30	SENW	T03S R07E S30	NESW
T03S R07E S30	Lot 3 NWSW	T03S R07E S30	Lot 4 SWSW

Conditions of Approval:

Page 116 of 33

1. Every 5 years, or more or less frequently if deemed necessary by the department, the right holder shall submit an analysis of the number of acres irrigated within the authorized place of use that are not already covered by Mountain Home Irrigation District or other surface water rights, which will include an aerial photo clearly designating all lands being irrigated.
2. X63 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
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. 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
5. Rights 61-2072, 61-2170, 61-7184 and 61-7339 when combined shall not exceed a total diversion rate of 20.49 cfs, and a total annual maximum diversion volume of 14,834 af for municipal purposes; and when combined with irrigation rights 61-2167 and 61-2210 are limited to a total diversion rate of 27.81 cfs and a total annual maximum diversion volume of 16,634 af.
6. Prior to diversion and use of water for irrigation purposes under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
7. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre for irrigation of the authorized place of use.
9. X36 Rights 61-2167, 61-2072, 61-2170, 61-7184 and 61-7339 are also diverted through the points of diversion described above.
10. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
11. X27 This right is limited to the irrigation of 293 acres within the authorized place of use in a single irrigation season.
12. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
13. 004 This right does not grant any right-of-way or easement across the land of another.
14. The right holder shall submit a report annually to the department demonstrating that the water diverted under rights 61-2167 and 61-2210 is necessary to satisfy demands for irrigation use during the authorized period of use. The annual report shall include the maximum weekly volume diverted for all purposes during both the irrigation season and the non-irrigation season. The annual report shall also include the total volume diverted for all purposes during both the irrigation season and the non-irrigation season. After specific notification by the department, the right holder shall provide to the department any data used to compile the report.
15. Any diversions of water under this right shall not be allowed if irrigation within the authorized place of use is curtailed or ceases for any reason.

Page 17 of 33

16. 020 The diversion and use of water described in Transfer 72128 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.

Decreed Date: 10/26/2000

Page 18 of 33

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

Current Water Right No.: 61-7439

Current Owner: CITY OF MOUNTAIN HOME

Priority Date: 6/10/1981

Origin: Water Right

Status: Active

Basis: License

Source**Tributary**

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	3.14 CFS	628 AF
	<u>Total Diversion</u>	3.14 CFS	628 AF

Location of Point(s) of Diversion

GROUND WATER

NE1/4SW1/4

Sec. 13, Twp 04S, Rge 06E B.M.

ELMORE County

Place of Use**IRRIGATION Within ELMORE County**

T04S R06E S13	NESW	39.00	T04S R06E S13	NWSW	39.00
T04S R06E S13	SWSW	40.00	T04S R06E S13	SESW	39.00

Total Acres: 157

Conditions of Approval:

1. 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.

Licensed Date: 11/25/1992

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

Current Water Right No.: 61-7172F

Current Owner: CITY OF MOUNTAIN HOME

Priority Date: 11/19/1973

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.03 CFS	1.3 AF
IRRIGATION	3/15 to 10/15	2.81 CFS	884 AF
	Total Diversion	2.81 CFS	885.3 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4NW1/4NE1/4 Sec. 13, Twp 04S, Rge 06E B.M.
ELMORE County

Place of Use

IRRIGATION Within ELMORE County

T04S R06E S13	NWNE	39.00	T04S R06E S13	SWNE	37.00
T04S R06E S13	NENW	30.00	T04S R06E S13	NWNW	35.00
T04S R06E S13	SWNW	40.00	T04S R06E S13	SENW	40.00

Total Acres: 221

Place of Use: STOCKWATER same as IRRIGATION

Page 20 of 33Conditions of Approval:

1. C15 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
2. STOCKWATER, 100 HEAD CATTLE.
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.
4. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
5. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
6. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
7. THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1987 TO 1994.

Decreed Date: 7/7/2000

Page 21 of 33

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

Current Water Right No.: 61-2072

Current Owner: CITY OF MOUNTAIN HOME
 Priority Date: 3/13/1931
 Origin: Water Right
 Status: Active
 Basis: Decreed

Source**Tributary**

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	01/01 to 12/31	2 CFS	
	<u>Total Diversion</u>	2 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4	Sec. 13,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NE1/4NE1/4	Sec. 23,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NW1/4NW1/4	Sec. 25,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SE1/4NE1/4	Sec. 26,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SE1/4NE1/4	Sec. 26,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SW1/4NE1/4	Sec. 27,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SE1/4SE1/4	Sec. 27,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NE1/4NW1/4	Sec. 30,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	NE1/4NW1/4	Sec. 30,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	NE1/4SE1/4	Sec. 19,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	L1(NW1/4NW1/4)	Sec. 30,	Twp 03S,	Rge 07E B.M.
ELMORE County				

Place of Use

Page 22 of 33MUNICIPAL Within ELMORE County

T03S R06E S22	SESE	T03S R06E S23	NENE
T03S R06E S23	SWNE	T03S R06E S23	SENE
T03S R06E S23	SWNW	T03S R06E S23	SENW
T03S R06E S23	NESW	T03S R06E S23	NWSW
T03S R06E S23	SWSW	T03S R06E S23	SESW
T03S R06E S23	NESE	T03S R06E S23	NWSE
T03S R06E S23	SWSE	T03S R06E S23	SESE
T03S R06E S24	NENE	T03S R06E S24	NWNE
T03S R06E S24	SWNE	T03S R06E S24	SENE
T03S R06E S24	NENW	T03S R06E S24	NWNW
T03S R06E S24	SWNW	T03S R06E S24	SENW
T03S R06E S24	NESW	T03S R06E S24	NWSW
T03S R06E S24	SWSW	T03S R06E S24	SESW
T03S R06E S24	NWSE	T03S R06E S24	SWSE
T03S R06E S24	SESE	T03S R06E S25	NENE
T03S R06E S25	NWNE	T03S R06E S25	SWNE
T03S R06E S25	SENE	T03S R06E S25	NENW
T03S R06E S25	NWNW	T03S R06E S25	SWNW
T03S R06E S25	SENW	T03S R06E S25	NESW
T03S R06E S25	NWSW	T03S R06E S25	SWSW
T03S R06E S25	SESW	T03S R06E S25	NESE
T03S R06E S25	NWSE	T03S R06E S25	SWSE
T03S R06E S25	SESE	T03S R06E S26	NENE
T03S R06E S26	NWNE	T03S R06E S26	SWNE
T03S R06E S26	SENE	T03S R06E S26	NENW
T03S R06E S26	NWNW	T03S R06E S26	SESW
T03S R06E S26	NESE	T03S R06E S26	NWSE
T03S R06E S26	SWSE	T03S R06E S26	SESE
T03S R06E S35	NENE	T03S R06E S35	NWNE
T03S R06E S35	SWNE	T03S R06E S35	SENE
T03S R06E S35	SENW	T03S R06E S35	NESE
T03S R06E S35	NWSE	T03S R06E S36	NENE
T03S R06E S36	NWNE	T03S R06E S36	SWNE
T03S R06E S36	NENW	T03S R06E S36	NWNW
T03S R06E S36	SWNW	T03S R06E S36	SENW
T03S R06E S36	NWSW	T03S R07E S19	SWNE
T03S R07E S19	SENE	T03S R07E S19	Lot 4 SWSW
T03S R07E S19	SESW	T03S R07E S19	NESE
T03S R07E S19	NWSE	T03S R07E S19	SWSE
T03S R07E S19	SESE	T03S R07E S30	NWNE
T03S R07E S30	SWNE	T03S R07E S30	NENW
T03S R07E S30	Lot 1 NWNW	T03S R07E S30	Lot 2 SWNW
T03S R07E S30	SENW	T03S R07E S30	NESW
T03S R07E S30	Lot 3 NWSW	T03S R07E S30	Lot 4 SWSW

Page 23 of 33Conditions of Approval:

1. X36 Rights 61-2167, 61-2210, 61-2170, 61-7184 and 61-7339 are also diverted through the points of diversion described above.
2. 020 The diversion and use of water described in Transfer 72128, and in previous Transfer 69591 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
3. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
4. 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
5. 004 This right does not grant any right-of-way or easement across the land of another.
6. 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.
7. X63 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
8. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
9. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Decreed Date: 4/12/2001

Page 24 of 33

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

Current Water Right No.: 61-2170

Current Owner: CITY OF MOUNTAIN HOME

Priority Date: 5/27/1964

Origin: Water Right

Status: Active

Basis: Decreed

Source**Tributary**

GROUND WATER

Beneficial Use**From To****Diversion Rate****Annual Volume**

MUNICIPAL

1/01 to 12/31

9.64 CFS

Total Diversion

9.64 CFS

Location of Point(s) of Diversion

GROUND WATER

SE1/4SW1/4

Sec. 13, Twp 03S, Rge 06E B.M.

ELMORE County

GROUND WATER

NE1/4NE1/4

Sec. 23, Twp 03S, Rge 06E B.M.

ELMORE County

GROUND WATER

NW1/4NW1/4

Sec. 25, Twp 03S, Rge 06E B.M.

ELMORE County

GROUND WATER

SE1/4NE1/4

Sec. 26, Twp 03S, Rge 06E B.M.

ELMORE County

GROUND WATER

SE1/4NE1/4

Sec. 26, Twp 03S, Rge 06E B.M.

ELMORE County

GROUND WATER

SW1/4NE1/4

Sec. 27, Twp 03S, Rge 06E B.M.

ELMORE County

GROUND WATER

SE1/4SE1/4

Sec. 27, Twp 03S, Rge 06E B.M.

ELMORE County

GROUND WATER

NE1/4NW1/4

Sec. 30, Twp 03S, Rge 07E B.M.

ELMORE County

GROUND WATER

NE1/4NW1/4

Sec. 30, Twp 03S, Rge 07E B.M.

ELMORE County

GROUND WATER

NE1/4SE1/4

Sec. 19, Twp 03S, Rge 07E B.M.

ELMORE County

GROUND WATER

L1(NW1/4NW1/4)

Sec. 30, Twp 03S, Rge 07E B.M.

ELMORE County

Place of Use

Page 25 of 33MUNICIPAL Within ELMORE County

T03S R06E S22	SESE	T03S R06E S23	NENE
T03S R06E S23	SWNE	T03S R06E S23	SENE
T03S R06E S23	SWNW	T03S R06E S23	SENW
T03S R06E S23	NESW	T03S R06E S23	NWSW
T03S R06E S23	SWSW	T03S R06E S23	SESW
T03S R06E S23	NESE	T03S R06E S23	NWSE
T03S R06E S23	SWSE	T03S R06E S23	SESE
T03S R06E S24	NENE	T03S R06E S24	NWNE
T03S R06E S24	SWNE	T03S R06E S24	SENE
T03S R06E S24	NENW	T03S R06E S24	NWNW
T03S R06E S24	SWNW	T03S R06E S24	SENW
T03S R06E S24	NESW	T03S R06E S24	NWSW
T03S R06E S24	SWSW	T03S R06E S24	SESW
T03S R06E S24	NWSE	T03S R06E S24	SWSE
T03S R06E S24	SESE	T03S R06E S25	NENE
T03S R06E S25	NWNE	T03S R06E S25	SWNE
T03S R06E S25	SENE	T03S R06E S25	NENW
T03S R06E S25	NWNW	T03S R06E S25	SWNW
T03S R06E S25	SENW	T03S R06E S25	NESW
T03S R06E S25	NWSW	T03S R06E S25	SWSW
T03S R06E S25	SESW	T03S R06E S25	NESE
T03S R06E S25	NWSE	T03S R06E S25	SWSE
T03S R06E S25	SESE	T03S R06E S26	NENE
T03S R06E S26	NWNE	T03S R06E S26	SWNE
T03S R06E S26	SENE	T03S R06E S26	NENW
T03S R06E S26	NWNW	T03S R06E S26	SESW
T03S R06E S26	NESE	T03S R06E S26	NWSE
T03S R06E S26	SWSE	T03S R06E S26	SESE
T03S R06E S35	NENE	T03S R06E S35	NWNE
T03S R06E S35	SWNE	T03S R06E S35	SENE
T03S R06E S35	SENW	T03S R06E S35	NESE
T03S R06E S35	NWSE	T03S R06E S36	NENE
T03S R06E S36	NWNE	T03S R06E S36	SWNE
T03S R06E S36	NENW	T03S R06E S36	NWNW
T03S R06E S36	SWNW	T03S R06E S36	SENW
T03S R06E S36	NWSW	T03S R07E S19	SWNE
T03S R07E S19	SENE	T03S R07E S19	Lot 4 SWSW
T03S R07E S19	SESW	T03S R07E S19	NESE
T03S R07E S19	NWSE	T03S R07E S19	SWSE
T03S R07E S19	SESE	T03S R07E S30	NWNE
T03S R07E S30	SWNE	T03S R07E S30	NENW
T03S R07E S30	Lot 1 NWNW	T03S R07E S30	Lot 2 SWNW
T03S R07E S30	SENW	T03S R07E S30	NESW
T03S R07E S30	Lot 3 NWSW	T03S R07E S30	Lot 4 SWSW

Page 26 of 33Conditions of Approval:

1. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
2. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
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. X63 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
5. 020 The diversion and use of water described in Transfer 72128, and in previous Transfer 69591 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
6. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. X36 Rights 61-2167, 61-2210, 61-2072, 61-7184 and 61-7339 are also diverted through the points of diversion described above.
8. 004 This right does not grant any right-of-way or easement across the land of another.
9. 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.

Decreed Date: 4/12/2001

Page 27 of 33

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

Current Water Right No.: 61-7184

Current Owner: CITY OF MOUNTAIN HOME

Priority Date: 4/22/1974

Origin: Water Right

Status: Active

Basis: Decreed

Source**Tributary**

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	1/01 to 12/31	4.35 CFS	
	<u>Total Diversion</u>	4.35 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4	Sec. 13,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NE1/4NE1/4	Sec. 23,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NW1/4NW1/4	Sec. 25,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SE1/4NE1/4	Sec. 26,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SE1/4NE1/4	Sec. 26,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SW1/4NE1/4	Sec. 27,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SE1/4SE1/4	Sec. 27,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NE1/4NW1/4	Sec. 30,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	NE1/4NW1/4	Sec. 30,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	NE1/4SE1/4	Sec. 19,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	L1(NW1/4NW1/4)	Sec. 30,	Twp 03S,	Rge 07E B.M.
ELMORE County				

Place of Use

Page 28 of 33MUNICIPAL Within ELMORE County

T03S R06E S22	SESE	T03S R06E S23	NENE
T03S R06E S23	SWNE	T03S R06E S23	SENE
T03S R06E S23	SWNW	T03S R06E S23	SENW
T03S R06E S23	NESW	T03S R06E S23	NWSW
T03S R06E S23	SWSW	T03S R06E S23	SESW
T03S R06E S23	NESE	T03S R06E S23	NWSE
T03S R06E S23	SWSE	T03S R06E S23	SESE
T03S R06E S24	NENE	T03S R06E S24	NWNE
T03S R06E S24	SWNE	T03S R06E S24	SENE
T03S R06E S24	NENW	T03S R06E S24	NWNW
T03S R06E S24	SWNW	T03S R06E S24	SENW
T03S R06E S24	NESW	T03S R06E S24	NWSW
T03S R06E S24	SWSW	T03S R06E S24	SESW
T03S R06E S24	NWSE	T03S R06E S24	SWSE
T03S R06E S24	SESE	T03S R06E S25	NENE
T03S R06E S25	NWNE	T03S R06E S25	SWNE
T03S R06E S25	SENE	T03S R06E S25	NENW
T03S R06E S25	NWNW	T03S R06E S25	SWNW
T03S R06E S25	SENW	T03S R06E S25	NESW
T03S R06E S25	NWSW	T03S R06E S25	SWSW
T03S R06E S25	SESW	T03S R06E S25	NESE
T03S R06E S25	NWSE	T03S R06E S25	SWSE
T03S R06E S25	SESE	T03S R06E S26	NENE
T03S R06E S26	NWNE	T03S R06E S26	SWNE
T03S R06E S26	SENE	T03S R06E S26	NENW
T03S R06E S26	NWNW	T03S R06E S26	SESW
T03S R06E S26	NESE	T03S R06E S26	NWSE
T03S R06E S26	SWSE	T03S R06E S26	SESE
T03S R06E S35	NENE	T03S R06E S35	NWNE
T03S R06E S35	SWNE	T03S R06E S35	SENE
T03S R06E S35	SENW	T03S R06E S35	NESE
T03S R06E S35	NWSE	T03S R06E S36	NENE
T03S R06E S36	NWNE	T03S R06E S36	SWNE
T03S R06E S36	NENW	T03S R06E S36	NWNW
T03S R06E S36	SWNW	T03S R06E S36	SENW
T03S R06E S36	NWSW	T03S R07E S19	SWNE
T03S R07E S19	SENE	T03S R07E S19	Lot 4 SWSW
T03S R07E S19	SESW	T03S R07E S19	NESE
T03S R07E S19	NWSE	T03S R07E S19	SWSE
T03S R07E S19	SESE	T03S R07E S30	NWNE
T03S R07E S30	SWNE	T03S R07E S30	NENW
T03S R07E S30	Lot 1 NWNW	T03S R07E S30	Lot 2 SWNW
T03S R07E S30	SENW	T03S R07E S30	NESW
T03S R07E S30	Lot 3 NWSW	T03S R07E S30	Lot 4 SWSW

Page 29 of 33**Conditions of Approval:**

1. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. 004 This right does not grant any right-of-way or easement across the land of another.
3. 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
4. 020 The diversion and use of water described in Transfer 72128, and in previous Transfer 69591 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
5. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
6. 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.
7. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. X36 Rights 61-2167, 61-2210, 61-2072, 61-2170 and 61-7339 are also diverted through the points of diversion described above.
9. X63 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

Decreed Date: 4/12/2001

Page 30 of 33

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

Current Water Right No.: 61-7339

Current Owner: CITY OF MOUNTAIN HOME

Priority Date: 8/18/1977

Origin: Water Right

Status: Active

Basis: Decreed

Source**Tributary**

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	1/01 to 12/31	4.5 CFS	
	<u>Total Diversion</u>	4.5 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 27,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NE1/4NW1/4	Sec. 30,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	NE1/4NW1/4	Sec. 30,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	SE1/4SW1/4	Sec. 13,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NE1/4NE1/4	Sec. 23,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NW1/4NW1/4	Sec. 25,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SE1/4NE1/4	Sec. 26,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NE1/4SE1/4	Sec. 19,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	L1(NW1/4NW1/4)	Sec. 30,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	SE1/4NE1/4	Sec. 26,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SW1/4NE1/4	Sec. 27,	Twp 03S,	Rge 06E B.M.
ELMORE County				

Place of Use

Page 31 of 33MUNICIPAL Within ELMORE County

T03S R06E S22	SESE	T03S R06E S23	NENE
T03S R06E S23	SWNE	T03S R06E S23	SENE
T03S R06E S23	SWNW	T03S R06E S23	SENW
T03S R06E S23	NESW	T03S R06E S23	NWSW
T03S R06E S23	SWSW	T03S R06E S23	SESW
T03S R06E S23	NESE	T03S R06E S23	NWSE
T03S R06E S23	SWSE	T03S R06E S23	SESE
T03S R06E S24	NENE	T03S R06E S24	NWNE
T03S R06E S24	SWNE	T03S R06E S24	SENE
T03S R06E S24	NENW	T03S R06E S24	NWNW
T03S R06E S24	SWNW	T03S R06E S24	SENW
T03S R06E S24	NESW	T03S R06E S24	NWSW
T03S R06E S24	SWSW	T03S R06E S24	SESW
T03S R06E S24	NWSE	T03S R06E S24	SWSE
T03S R06E S24	SESE	T03S R06E S25	NENE
T03S R06E S25	NWNE	T03S R06E S25	SWNE
T03S R06E S25	SENE	T03S R06E S25	NENW
T03S R06E S25	NWNW	T03S R06E S25	SWNW
T03S R06E S25	SENW	T03S R06E S25	NESW
T03S R06E S25	NWSW	T03S R06E S25	SWSW
T03S R06E S25	SESW	T03S R06E S25	NESE
T03S R06E S25	NWSE	T03S R06E S25	SWSE
T03S R06E S25	SESE	T03S R06E S26	NENE
T03S R06E S26	NWNE	T03S R06E S26	SWNE
T03S R06E S26	SENE	T03S R06E S26	NENW
T03S R06E S26	NWNW	T03S R06E S26	SESW
T03S R06E S26	NESE	T03S R06E S26	NWSE
T03S R06E S26	SWSE	T03S R06E S26	SESE
T03S R06E S35	NENE	T03S R06E S35	NWNE
T03S R06E S35	SWNE	T03S R06E S35	SENE
T03S R06E S35	SENW	T03S R06E S35	NESE
T03S R06E S35	NWSE	T03S R06E S36	NENE
T03S R06E S36	NWNE	T03S R06E S36	SWNE
T03S R06E S36	NENW	T03S R06E S36	NWNW
T03S R06E S36	SWNW	T03S R06E S36	SENW
T03S R06E S36	NWSW	T03S R07E S19	SWNE
T03S R07E S19	SENE	T03S R07E S19	Lot 4 SWSW
T03S R07E S19	SESW	T03S R07E S19	NESE
T03S R07E S19	NWSE	T03S R07E S19	SWSE
T03S R07E S19	SESE	T03S R07E S30	NWNE
T03S R07E S30	SWNE	T03S R07E S30	NENW
T03S R07E S30	Lot 1 NWNW	T03S R07E S30	Lot 2 SWNW
T03S R07E S30	SENW	T03S R07E S30	NESW
T03S R07E S30	Lot 3 NWSW	T03S R07E S30	Lot 4 SWSW

Conditions of Approval:

1. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
2. 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.
3. X36 Rights 61-2167, 61-2210, 61-2072, 61-2170 and 61-7184 are also diverted through the points of diversion described above.
4. X63 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
5. 004 This right does not grant any right-of-way or easement across the land of another.
6. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
8. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
9. 020 The diversion and use of water described in Transfer 72128, and in previous Transfer 69591 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.

Decreed Date: 4/12/2001

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 33 pages and 5 attachments.

Received by JA Date 10/18/13 Prelim. Check by JA Date 11/20/2013

Fee Paid \$210.00 Date 10/18/13 Receipted by JA Receipt # W041592

Add'l Fee Paid \$2740.00 Date 8/1/12 Receipted by RS Receipt # W040443

ATTACHMENT #2a

TRANSFER No. 78273
RECEIVED

#1180

OCT 18 2013

WATER RESOURCES
WESTERN REGION

AGREEMENT FOR SALE OF WATER RIGHTS

This AGREEMENT FOR SALE OF WATER RIGHTS ("Agreement" or "Contract") is entered into effective this 23rd day of May, 2012, (the "Effective Date"), by and between Jay B. Brown and Christine M. Hopson-Brown, husband and wife, of 6379 SW Division Road, Mountain Home, Idaho 83647, hereinafter designated in the singular and by masculine gender as the "Seller", and the City of Mountain Home, Idaho, a municipal corporation of the County of Elmore, State of Idaho, of P. O. Box 10, Mountain Home, Idaho 83647, hereinafter designated as the "Buyer".

RECITALS

(a) Seller owns Idaho Water Rights Nos. 61-7151 and 61-2188 containing a total of 287.0 acres (the "Water Rights"), approximately 53.8 acres of which have been contested. Copies of the Decrees for the Water Rights are attached hereto as Exhibit A and by this reference made a part hereof.

(b) Seller desires to sell and Buyer desires to purchase the 233.2 acres of uncontested Water Rights on the terms and conditions hereinafter set forth in this Agreement.

IN CONSIDERATION OF the sum of [REDACTED], hereinafter designated as the "Initial Payment", and in consideration of the mutual promises and covenants herein contained, the Seller promises and agrees to sell the 233.2 acres of Water Rights to the Buyer and the Buyer promises and agrees to purchase the Water Rights from the Seller pursuant to the terms and conditions contained herein.

1. PURCHASE PRICE. The total purchase price for the 233.2 acres of Water Rights shall be [REDACTED] ("Purchase Price") payable by Buyer to Seller at the times and in the amounts as follows:

(a) The sum of [REDACTED] at the time of the execution of this agreement as the "Initial Payment", the receipt of which is hereby acknowledged by Seller.

(b) The sum of [REDACTED] on or before sixty (60) days after the approval of the transfer of the Water Rights from the Seller to the Buyer (the "Transfer") by the Idaho Department of Water Resources (the "Department"), and the like sum of [REDACTED] one (1) year and sixty (60) days after the approval of the Transfer by the Department, and the balance of the purchase price, plus all accrued interest, shall be paid in full two (2) years and sixty (60) days after the approval of the Transfer by the Department, (the "Installment Payments"), for the initial Contract Term and renewal Contract Terms subject to the provisions for appropriation and renewal as provided in Subsection (e) below. "Contract Term" means the period beginning on the date of this contract and ending on the 30th day of September, 2012, subject to renewal as provided in Subsection (e) for the following Fiscal Year of Buyer, said Contract Term being subject to renewal annually at the option of Buyer until all Installment Payments have been paid in full. No Contract Term shall

exceed one Fiscal Year of the Buyer in length. If the Buyer prepays this Contract in full, the Contract Term will expire upon such prepayment.

(c) The deferred balance of said purchase price shall bear interest from the date which is thirty (30) days following the date of the approval of the Transfer by the Department until the purchase price has been paid in full at the rate of five percent (5.0%) per annum. Each Installment Payment shall first be applied to pay the interest then accrued and unpaid to the date of such payment and the balance of each Installment Payment shall be applied upon the principal sum to be paid to the Seller hereunder.

(d) The Buyer may at its option pay all or any part of said purchase price on or before the due date thereof, without penalty, and interest shall be charged only upon the principal balance remaining from time to time unpaid.

(e) The Buyer, by entering into this Contract, acknowledges its current intention to make all Installment Payments due hereunder on the dates such Installment Payments are due (but does not commit to a legal or other obligation to make such payments or to incur any liability beyond its then current Fiscal Year). In the event that by September 30 of its then current Fiscal Year, the Buyer's City Council fails to include in its proposed budget or related documents for the ensuing Fiscal Year or fails to appropriate sufficient funds to fully fund all of Buyer's obligations to make Installment Payments hereunder for any future Fiscal Year, or otherwise chooses not to renew the Contract Term of this Contract for an additional Fiscal Year, then the Buyer will immediately notify the Seller or its assignee of such occurrence and the Buyer shall transfer the Water Rights back to Seller, free and clear of any interest Buyer has in said Water Rights, which interest shall terminate as of September 30 of the Fiscal Year in which the failure to appropriate occurs. Such an event shall be defined as an "Event of Non Appropriation" hereunder. In such case, the obligations of the Buyer and remedies of Seller shall be limited as provided in Section 11 hereof. In the event that the Buyer's City Council does appropriate and budget funds sufficient to make the Installment Payments for a Fiscal Year then the Contract Term of this Contract shall be deemed renewed for such Fiscal Year.

The Buyer agrees during the current Fiscal Year and during each Fiscal Year that the Contract Term of this Contract is renewed (i) that the City Council of the Buyer shall, for the ensuing Fiscal Year in which the Installment Payments are scheduled to be made, consider a budget request and appropriation of the expenditure of an amount sufficient to allow Buyer to make all Installment Payments due in such Fiscal Year; (ii) that, to the extent funds have been appropriated for the current Fiscal Year, it will make all such Installment Payments; and (iii) that if sufficient funds are appropriated and budgeted by it for the next Fiscal Year then the Contract Term of this Contract shall be deemed renewed for such Fiscal Year and shall be effective for such Fiscal Year.

Except as otherwise provided herein, nothing in this Subsection or elsewhere in this Contract shall be deemed in any way to obligate the Buyer beyond its current Fiscal Year. If the Buyer fails or refuses to renew the Contract Term of this Contract for the next Fiscal Year as permitted above, makes any payment due for the then current Fiscal Year from funds budgeted and appropriated for that purpose and then at the end of such Fiscal Year returns the Water Rights back to Seller, then Buyer shall have no further liability under this Contract.

2. REFUND OR ADJUSTMENT OF PURCHASE PRICE. It is understood by the parties that the purchase price is based upon the combined use of the Water Rights and the right to irrigate no less than 233.2 acres with a per-acre diversion rate of 0.0114 cfs/acre, or 0.57 miner's inches/acre. It is understood by the parties that the diversion rate is the most important factor of the Water Rights to the Buyer. If the Idaho Department of Water Resources does not approve the Transfer to Buyer of the Water Rights with a per-acre diversion rate of 0.0114 cfs/acre, or 0.57 mine's inches/acre, then the purchase price and the Installment Payments shall be adjusted as provided herein. The adjustment shall be based on one-half of the percentage of the reduction by the Department. For example, if the Department approves the Transfer with a diversion rate of 0.0100 cfs/acre, the percentage of the reduction would be 12.28% and one-half of that would be 6.14%. Thus the total amount of the purchase price would be reduced by 6.14% and the Initial Payment and/or the Installment Payment would be reduced accordingly. If the Department does not approve any portion of the Transfer, then the Seller shall refund all principal payments made by the Buyer to the Seller within sixty days of the rejection or disapproval of the Transfer by the Department.

3. APPLICATION FOR TRANSFER. Within sixty (60) days after this Agreement is signed and at Buyer's expense, Buyer shall prepare and file an application with the Department to transfer the Water Rights to its name and either: a) to change or transfer the Water Rights' place of use, nature or time of use, and points of diversion, or b) obtain a new ground water permit in which the retirement of the Water Rights will serve a mitigation or similar purpose (collectively the "Transfer"). Buyer shall file the Transfer with the Department and diligently pursue it at Buyer's sole cost. Seller shall cooperate with and assist the Buyer in connection with the Transfer application and shall take whatever steps are reasonable and necessary to secure approval of the Transfer application.

4. BUYER'S RIGHT TO TERMINATE. The Buyer may terminate this Agreement at any time without cause by providing written Notice to Seller. If Buyer elects to terminate this Agreement, Seller shall retain the Initial Payment and any subsequent Installment Payments. If Buyer terminates this Agreement, Buyer shall forthwith withdraw and cancel the Transfer and take any steps necessary to ensure that the Department cancels, reverses or otherwise nullifies the Transfer application process and any Transfer approval, and such obligations shall survive the termination. If the Transfer has been completed, then Buyer shall take all steps necessary to transfer the Water Rights back to Seller.

5. PLACE OF PAYMENT. All of said Installment Payments shall be paid by Buyer to Seller at 6379 SW Division Road, Mountain Home, Idaho 83647, or at such other address or place as Seller may indicate in writing to Buyer.

6. USE OF WATER RIGHTS AND IRRIGATION SEASON. Until the Transfer is approved by the Department, Seller shall have the right to use or lease the Water Rights to a third party and receive any rental income therefor. In no event shall the Buyer use or possess the Water Rights prior to the end of the 2012 irrigation season. If the approval of the Transfer of the Water Rights has not been approved by the Department by the 1st day of March of any year, the Seller shall have the right to use or lease to a third party the Water Rights for that irrigation season for that year.

7. SECURITY FOR PAYMENT. Until the Purchase Price, plus all interest, has been paid in full by Buyer to the Seller, it shall be noted by the Department that Buyer is the holder of the Water Rights, but that Seller has a security interest in said Water Rights.

8. BUYER'S PROFESSIONAL FEES. Buyer shall pay the fees for its consultants, engineers and attorneys used by it in preparing and processing the Transfer.

9. SECURITY INTERESTS AND ENCUMBRANCES. The Seller warrants and guarantees that he will convey the Water Rights to Buyer with no security interests or encumbrances of any kind.

10. COMMISSIONS. Each Party represents to the other that no broker has been engaged in connection with the negotiations leading to this Agreement. Buyer and Seller hereby agree to indemnify and defend the other against any and all commissions, finder's fees or other fee or any claim therefor by any broker in connection with this transaction claiming through the indemnifying party.

11. REMEDIES FOR DEFAULT. In the event Buyer fails to comply with any of the terms hereof or upon the event of Non Appropriation, then Seller shall first give Buyer thirty (30) days' notice in writing specifying wherein Buyer has failed to comply with the terms hereof and which said notice shall be delivered to Buyer personally or may be sent to it by registered or certified mail, addressed to Buyer at its last post office address as provided herein or subsequently furnished to Seller in writing by Buyer. If sent by mail, said notice shall be deemed served upon Buyer upon the date it is deposited in the United States mail with postage prepaid, certified or registered and addressed as above mentioned. If Buyer fails to correct said default within said thirty-day period, then Seller may at his option and without further notice declare the whole unpaid balance of said purchase price immediately due and payable and proceed at once to recover the same or declare a forfeiture of all of the rights of Buyer under this Agreement and of all of its interest in and to the Water Rights, retaining all sums theretofore paid by Buyer under the terms hereof as the reasonable value for the use of the Water Rights by Buyer, or Seller may at his option bring an action in equity or at law for specific performance with damages or exercise such other rights and remedies either in law or in equity as he may have pursuant to this Contract or under the laws of the State of Idaho. The remedies herein mentioned shall be construed as cumulative and not as alternative or exclusive. In the event of Non Appropriation, Seller's only remedy shall be to declare a forfeiture and immediate termination of this Agreement in which case Buyer shall take all steps necessary to transfer the Water Rights back to Seller and Seller shall retain all amounts theretofore paid upon the purchase price.

12. ATTORNEY FEES. In the event it becomes necessary for either of the parties hereto to retain legal counsel for enforcement of their rights hereunder after default of the other party or

to institute suit for enforcement of their rights hereunder, then the party not in default, or the prevailing party in case of suit, shall be entitled to recover reasonable attorney's fees from the other party, in addition to the other damages allowed by law.

13. ATTORNEY'S EMPLOYMENT. The parties acknowledge that this agreement was prepared by the attorney for Buyer. Seller is advised to seek the advice of independent counsel if he so desires.

14. FURTHER DOCUMENTS AND ASSURANCES. Buyer and Seller shall each, diligently and in good faith, undertake all actions and procedures reasonably required to transfer the Water Rights to Buyer as and when required by this Agreement. Buyer and Seller shall provide all further information and execute and deliver all further documents and instruments reasonably required to complete the Transfer and all aspects of this transaction.

15. TIME IS OF THE ESSENCE. Time is of the essence of this Agreement and payment of the purchase price at the times set forth above.

16. SURVIVAL OF COVENANTS. All covenants and conditions in this Agreement are intended to survive closing.

17. SUCCESSORS AND ASSIGNS. The terms and conditions hereof shall extend to and be binding upon the successors and assigns of the respective parties hereto.

18. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement between the parties hereto and may not be altered or amended except by a writing signed by Seller and Buyer.

19. WAIVER. All remedies shall be cumulative. Waiver of any default shall not constitute a waiver of any subsequent default.

20. HEADINGS. Headings in this Agreement for Sale of Water Rights are for convenience only and shall not be used to interpret or construe its provisions.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year in this Agreement first above written.

CITY OF MOUNTAIN HOME, IDAHO,
a municipal corporation,

By: Tom Rist
Tom Rist, Mayor

ATTEST:

By: Nina Patterson
Nina Patterson, City Clerk





Jay B. Brown

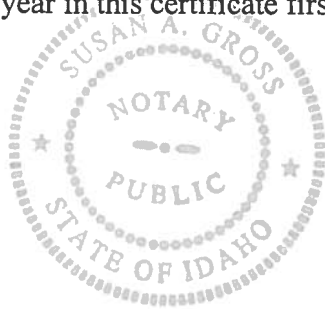


Christine M. Hopson-Brown

STATE OF IDAHO)
) ss.
 COUNTY OF ELMORE,)

On this 29th day of May, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Tom Rist and Nina Patterson, known to me to be the Mayor and City Clerk, respectively, of the City of Mountain Home, Idaho, a municipal corporation that executed the foregoing instrument or the persons who executed the instrument on behalf of said municipal corporation, and acknowledged to me that said municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Susan A. Gross
 Notary Public for Idaho,
 Residing at Mountain Home, Idaho.
 My commission expires: 01/06/14

STATE OF IDAHO,)
) ss.
 COUNTY OF ELMORE,)

On this 23rd day of May, 2012, before me, the undersigned, a Notary Public in and for said state, personally appeared Jay B. Brown and Christine M. Hopson-Brown, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

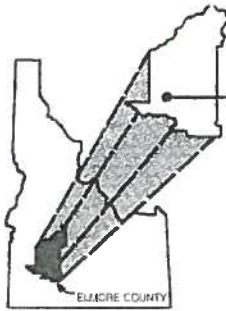
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Nina L. Patterson
 Notary Public for Idaho,
 Residing at Mountain Home, Idaho.
 My commission expires: 3-2-16

ATTACHMENT #3

Transfer No. 7827



MOUNTAIN HOME SCHOOL DISTRICT 193

P.O. Box 1390 470 North Third East Mountain Home, Idaho 83647-1390

(208) 587-2580
(208) 587-9896 FAX
www.mtnhomed.org

RECEIVED

OCT 18 2013

WATER RESOURCES
WESTERN REGION

September 27, 2013

The Honorable Tom Rist
Mayor, City of Mountain Home
P.O. Box 10
Mountain Home, Idaho 83647

Dear Mayor Rist:

The Mountain Home School District No. 193 is aware that the City of Mountain Home is applying to the Idaho Department of Water Resources to transfer water rights. As part of this transfer application, the City has shown a proposed Point of Diversion located near the intersection of South 18th East Street and East 6th South Street (T03S, R06E, Section 25, SE1/4 of the SE1/4).

As the owner of this property, I grant my permission as the Superintendent of Schools, for the City to propose this Point of Diversion on their water right transfer application. If this Point of Diversion is approved as part of this transfer, the District agrees to make enough property available to accommodate the development of a well and its utilization as a source of supply for the City of Mountain Home.

Sincerely,

A handwritten signature in cursive script that reads "Tom McMurtrey".

Timothy W. McMurtrey, Superintendent
Mountain Home School District No. 193

September 26, 2013

Mayor Tom Rist

City of Mountain Home

P.O. Box 10

Mountain Home, Idaho 83647

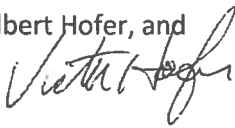
Dear Mayor Rist:

We are aware that the City of Mountain Home is applying to the Idaho Department of Water Resources to transfer water rights. As part of this transfer application, the City has shown a proposed Point of Diversion located near the intersection of Bruneau Highway and Smith Road (T04S, R06E, Section 3, NE1/4 of the NE1/4).

As the owners of this property, we hereby grant our permission for the City to propose this Point of Diversion on their water right transfer application. If this Point of Diversion is approved as part of this transfer, We agree to sell enough property to accommodate the development of a well and its utilization as a source of supply for the City of Mountain Home.

Sincerely,

Victor Albert Hofer, and



Albert John Hofer, Owners of Record



Point of Diversion Supplement
Application for Transfer - City of Mountain Home
August 2013

Location of Points of Diversion

Twp	Rge	Sec	1/4	1/4	1/4	Lot	County	Source	Local Name	Existing POD ⁽¹⁾	Proposed POD ⁽²⁾	Active Well ⁽³⁾
03S	06E	13		SE	SW		Elmore	Groundwater	Well 12	x		x
03S	06E	23		NE	NE		Elmore	Groundwater	Legacy Park	x		
03S	06E	25		NW	NW		Elmore	Groundwater	Well 15	x		x
03S	06E	26		SE	NE		Elmore	Groundwater	Well 1	x		x
03S	06E	26		SE	NE		Elmore	Groundwater	Well 6	x		x
03S	06E	27		SW	NE		Elmore	Groundwater	Well 13	x		x
03S	06E	27		SE	SE		Elmore	Groundwater	Well 11	x		x
03S	07E	19		NE	SE		Elmore	Groundwater	Well 14	x		x
03S	07E	30		NE	NW		Elmore	Groundwater	Well 4	x		
03S	07E	30		NE	NW		Elmore	Groundwater	Well 5	x		
03S	07E	30		NW	NW	1	Elmore	Groundwater	Well 9	x		x
04S	06E	13		NE	SW		Elmore	Groundwater	South Farm Well	x		
04S	06E	13		NW	NE		Elmore	Groundwater	North Farm Well	x		
03S	06E	36		SW	NE		Elmore	Groundwater	City shop		x	
03S	06E	27		SW	NE		Elmore	Groundwater	Optimist Park		x	
03S	06E	22		SE	SE		Elmore	Groundwater	Triangle N. of #13		x	
03S	06E	13		NW	SW		Elmore	Groundwater	Tank #1		x	
03S	06E	25		SE	SE		Elmore	Groundwater	6th S & 18th E		x	
03S	07E	19		SW	SE		Elmore	Groundwater	Tank #2		x	
04S	06E	3		NE	NE		Elmore	Groundwater	Smith Rd & Bruneau Hwy		x	

Notes:

- (1) Authorized point of diversion (well) on City's existing municipal and irrigation water rights.
- (2) Proposed additional authorized point of diversion (well) for existing rights and new rights being moved into system.
- (3) Active supply source to municipal system as of August 2013

*RECEIVED VIA EMAIL FROM APPLICANT'S REPRESENTATIVE 5/27/2014.

AMENDED*

RECEIVED

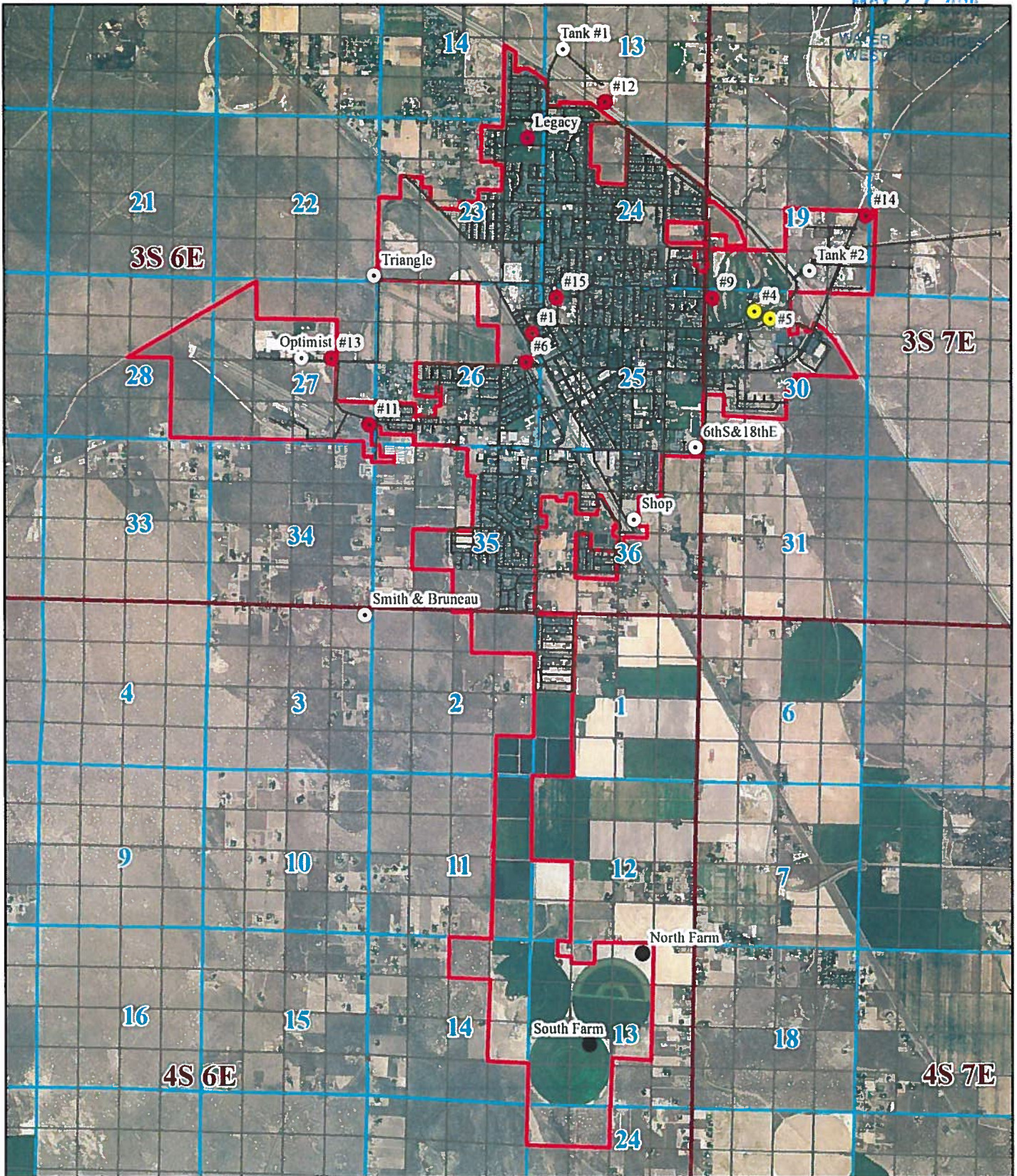
MAY 27 2014

WATER RESOURCES
WESTERN REGION

RECEIVED

MAY 27 2014

Path: F:\Projects\Mountain Home - Brown transfer\Arcview Maps\FIGURE 1.mxd



**CITY OF MOUNTAIN HOME
TRANSFER 2012
NAIP 2013 AERIAL PHOTO**

FIGURE #1 - SYSTEM MAP

BROCKWAY ENGINEERING PLLC
ALR - Date: 5/27/2014

Legend

- Farm Wells
- Proposed POD Future Wells
- POD on WR, Active Wells
- POD on WR, Inactive Well
- POD on WR, No Well

- Proposed Place of Use
- Water Lines
- Township
- Sections
- QQ Lines

SCANNED
DEC 31 2013

* ATTACHMENT 7A (PG 1 OF 1)
* RECEIVED VIA EMAIL FROM APPLICANT'S REPRESENTATIVE 5/27/2014.
TRANSFER No. 18273

MAY 27 2014

RESOURCES
N REGION

- Legend**
- From_WR_POD (Yellow triangle)
 - From_WR_POU (Yellow square)
 - Proposed_Existing_Wells (Black circle)
 - Proposed Future Wells (Blue circle)
 - Active Wells (Red circle)
 - POD on WR, Inactive Well (Yellow circle)
 - POD on WR, No Well (Red circle)
 - Proposed_Place_of_Use (Red outline)
 - Watership (Blue outline)
 - Sections (Blue outline)

**CITY OF MOUNTAIN HOME
TRANSFER 2012
NAIP 2013 AERIAL PHOTO**

FIGURE #2

0 0.5 1 2 Miles

BROCKWAY ENGINEERING PLLC
ALB Date: 5/27/2014

SCANNED

Path: F:\Projects\Mountain Home - Brown transfer\Arcview Maps\FIGURE 2.mxd

AMENDED

*ATTACHMENT #7b (Pg 1 of 1)

TRANSFER NO: 78273

*RECEIVED VIA EMAIL FROM APPLICANT'S REPRESENTATIVE 5/27/2014.

RECEIVED

OCT 18 2013

WATER RESOURCES
WESTERN REGION

Narrative in Support of Transfer Application City of Mountain Home, Idaho

Brockway Engineering, PLLC
October 16, 2013



1. Overview

The City of Mountain Home owns and operates a water supply and water distribution system for the benefit of the residents of the City. At present, eight (8) groundwater wells are online as active sources for the system. The distribution system currently serves a population of approximately 16,000 with potable and irrigation water for residential, commercial, and industrial purposes. In addition, the City provides irrigation water to large non-residential parcels comprised of parks operated by the City, and lands owned and maintained by the Mountain Home School District.

The City owns four water rights for municipal purposes and four for irrigation purposes. Two of the irrigation rights are appurtenant to the current service area and two are appurtenant to the farm owned by the City and utilized as a land application site. The rights within the current service area are appurtenant to 11 authorized points of diversion, representing the eight active and three future groundwater sources in the City system. The farm rights are appurtenant to two well at the farm location. Refer to Table 1 and Figure 1.

Table 1. Portfolio of existing water rights within the City system or City-owned farm.

Right No.	Priority Date	Diversion Rate (cfs)	Use	Acres	POD
61-2072	3/13/1931	2.00	Municipal		11 city wells
61-2167	4/6/1964	1.97	Irrigation	157	11 city wells
61-2210	9/30/1966	5.35	Irrigation	293	11 city wells
67-2170	5/27/1964	9.64	Municipal		11 city wells
61-7184	4/22/1974	4.35	Municipal		11 city wells
61-7339	8/18/1977	4.50	Municipal		11 city wells
61-7439	6/10/1981	3.14	Irrigation	157	Farm well south
61-7172F	11/19/1973	2.81	Irrigation	221	Farm well north
Total authorized diversion rate - city wells				27.81	cfs
Total authorized diversion rate - farm wells				5.95	cfs
Total				33.76	cfs

The maximum day demand can be supplied under current water rights, but there is insufficient diversion rate authorization to meet the peak hourly demand. At a minimum, the total diversion rate authorization must equal or exceed the maximum day demand, with the peak hourly being supplied from equalization storage. However, the current effective volume of system storage requires that a rate greater than the maximum day demand be supplied by the wells. Therefore, the City's need for additional diversion rate authority is imminent.

a. Purposes of Transfer

To meet the current and future water requirements as described above, the City proposes to transfer irrigation rights into the City system for use within the service area. These rights include the two farm rights and two additional irrigation rights recently purchased. The nature of use of the irrigation rights would be changed to Municipal, but the rights would be conditioned to indicate they are for irrigation usage within the City service area, with acreage limits and seasons of use based on the rights prior to the transfer. This structure is in line with recent similar applications approved by the Department.

The transfer would also add points of diversion to cover all existing points of diversion plus seven (7) additional future well sites, for a total of 20 authorized points of diversion on all rights.

Finally, the transfer would modify the service area to bring it in line with the current physical service area, which would include the area within the City limits, plus additional area to the south to encompass the treatment lagoons and two wells known as the farm wells (Figure 1).

b. City-owned irrigation rights to be transferred

Water rights 61-7439 and 61-7172F are appurtenant to agricultural land south of the City, on which the City's wastewater is disposed. Each right is appurtenant to one of the farm wells (Figure 1). The City owns this land and leases the farming rights to a local grower. The farm operation is similar to a traditional commercial farm; however, the primary water supply is effluent from the City's treatment lagoons located just north of the farm. The volume of effluent is sufficient to provide nearly all the water requirement of the crop, and thus the groundwater wells are only sparingly used. This situation is expected to continue, with greater effluent volumes becoming available as the City grows. Although not fully used at present, the groundwater rights are protected from forfeiture under the provisions of I.C. 42-223(2) and (3).

c. Purchased irrigation rights to be transferred

The City has entered into an agreement to purchase water rights 61-2188 and 61-7151 from Jay Brown and Christine Hopson-Brown. These rights are appurtenant to agricultural land situated approximately seven miles south of the City near the Mountain Home Air Force Base (see Figure 2). As decreed, the rights allow irrigation of 287.0 acres and a diversion rate of 3.28 cfs. 53.8 acres of the rights have been contested, and the City has agreed at this time to purchase only the uncontested portion, or 233.2 acres and 2.66 cfs. All of the uncontested portion would be transferred into the City system and made appurtenant to all points of diversion. The combined diversion rate under the two rights would be 2.66 cfs, and this limit would be carried over as a limitation on these two rights within the City's water right portfolio. Irrigation of 233.2 acres would be permanently retired at the current place of use.

d. Rights after transfer

If the transfer were approved as proposed, the City would own four municipal rights and six "municipal irrigation" rights. Table 2 illustrates the water right portfolio after the transfer. The authorized diversion rate will increase to 36.42 cfs or 16,345 gpm. The change of use will not result in an enlargement of the rights. The diversion rate will remain 2.66 cfs, the acreage would remain 233.2 acres, and the annual volume will remain 993.7 afa. Consumptive use will not increase since the rights will continue to be utilized for irrigation purposes rather than for a traditional municipal use which could potentially be fully consumptive.

2. Irrigated area within the service area

The proposed transfer would move water rights into the City system to be used for irrigation. Therefore, it is necessary to confirm that sufficient physical irrigated area exists or is likely to exist in the near future that can be covered by the irrigation rights.

An analysis was made in October 2005 for the previous water right transfer using the 2004 aerial photo as a baseline. This analysis was reported to IDWR by letter dated November 30, 2005. In this study, the City was segregated into four types of parcels: old residential lots (25' x 100' typical), average residential lots (75' x 115' typical), large lots (140' x 140'), and non-residential large parcels. The large parcels included parks, school fields, and similar areas. Areas for these parcels were computed individually for each area. For the residential lots, an irrigated area was delineated for a representative lot of each category within each 40-acre tract, and this area was applied to the number of lots in that tract. From this analysis it was estimated that the total irrigation within the service area in 2004 was 712 acres and the near-future irrigation with build-out of unimproved but platted lots was 792 acres.

Table 2. Portfolio of water rights after the transfer.

Right No.	Priority Date	Diversion Rate (cfs)		Use	Acres	POD
61-2188	2/17/1966	2.66	Limited to 2.66 cfs	Municipal Irrigation	133.2	20 wells
61-7151	4/9/1973	1.14		Municipal Irrigation	100.0	20 wells
61-2167	4/6/1964	1.97		Municipal Irrigation	157.0	20 wells
61-2210	9/30/1966	5.35		Municipal Irrigation	293.0	20 wells
61-7439	6/10/1981	3.14		Municipal Irrigation	157.0	20 wells
61-7172F	11/19/1973	2.81		Municipal Irrigation	221.0	20 wells
61-2072	3/13/1931	2.00		Municipal		20 wells
67-2170	5/27/1964	9.64		Municipal		20 wells
61-7184	4/22/1974	4.35		Municipal		20 wells
61-7339	8/18/1977	4.50		Municipal		20 wells
Total authorized diversion rate - city wells with irrigation					36.42	cfs
Total authorized acres under irrigation rights					1061.2	acres

Significant growth has occurred within the City since 2004, necessitating an update to the irrigated area analysis. Because of the extensive effort required to delineate areas for each category in each 40-acre tract using a current aerial photo, an estimate was made of current irrigation using the number of building permits granted by the City since 2004. According to City records, 1094 building permits were issued from 2004 through August 21, 2013 (the 2004 aerial photo was taken in the summer of 200; therefore 50% of the 2004 building permit tally was used). From the 2004 analysis, the average irrigation per residential lot, after subtracting large-parcel irrigation, was 0.118 acres. Applying this value to 1094 lots yields an estimated 129 additional acres of residential irrigation. No additional large parcels have begun to be irrigated since 2004. The total current irrigation is therefore estimated to be $712 + 129 = 841$ acres within the current service area. The proposed new service area will also encompass the wastewater land application site on which 378 acres are irrigated, making the total irrigated area equal to $841 + 378 = 1219$ acres. This is more than the 1061.2 acres that would be authorized under the "municipal irrigation" rights if the transfer were approved. The remaining acres and any future additions of residential irrigation would be covered under the umbrella of municipal uses allowed by the standard municipal water rights.

3. Evaluation of Hydrologic Impact

a. Hydrogeologic setting

Both the City's wells and the Brown wells draw water from the regional Mountain Home aquifer. Considerable investigation has been made of the geologic and hydrogeologic characteristics of the Mountain Home area, the primary studies being Ralston et al. (1968), Young (1976), Norton et al. (1982), Bendixsen (1994), Brockway (2003), Brockway (2006), and Brockway (2011).

The two major geologic units in the immediate vicinity include quaternary-age alluvium and terrace gravels, underlain by basalts of the Bruneau formation. Alluvial composition generally consists of inhomogeneous, unconsolidated sand, gravel, and finer-grained material such as silt and clay. Basalt formations exhibit characteristics typical of volcanic depositions in the area, with some zones of hard, unfractured basalt and some zones of fractured basalt and possibly cinders. Underlying the Bruneau formation basalt are additional older strata of alluvium. This basement formation has seldom been developed for either irrigation or municipal use in the vicinity of the City. None of the active City wells draw from this formation to any appreciable extent.

Previous investigations have confirmed the presence of both a perched aquifer system and a regional aquifer system. The perched aquifer exists both within the quaternary alluvium and within upper portions of the Bruneau formation (Norton, 1982). The aquifer varies in thickness, and covers an area of approximately 38,000 acres. Young (1977) estimated the extent of the perched system and subsequent investigators have generally adopted Young's delineation of the aquifer limits. Depths to water in the perched system range from 10 to 200 feet.

The regional aquifer system is present wholly within the Bruneau formation and exists at levels well below the perched system. Depth to water in the regional system is typically 280 to 450 feet. The perched system is of limited extent and groundwater discharges to the regional system at its edges.

Based on drilling records for the City's current wells, all water is drawn from the regional system. The Brown well, similarly, is drilled to a depth of 543 feet and draws from the regional system. No perched system is evident at the Brown well location. Therefore, the perched system is not expected to be impacted either positively or negatively, and only the regional aquifer was considered in this analysis.

b. Groundwater Modeling

An analytical groundwater model was developed by Brockway Engineering in conjunction with previous transfer proceedings in 2005 and 2006 for the City of Mountain Home. This model was constructed using the WinFlow graphical interface and

included all City wells in use at the time. Details regarding this model are provided in Brockway (2006), a copy of which is in the Department's files. A brief overview of the model is provided herein.

Aquifer hydraulic conductivity was estimated from pumping test information reported by well drillers for large wells within approximately 5 miles of the City. Wells used for the analysis were limited to those in which the yield was at least 300 gpm and the information reported by the driller was deemed to be reliable and could be unambiguously interpreted. Most of these wells are irrigation wells drilled in the 1960s and 1970s, located primarily south of the City. Detailed pumping test data is also available for the City's Well #15, completed and tested in 2010. The wells utilized for the hydraulic conductivity estimation are shown on Figure 3.

The analysis approach developed by Bradbury and Rothschild (1985) to estimate hydraulic conductivity from a single specific capacity point was utilized. This method is essentially the Theis method with a correction for partial penetration. Experience has shown that in many instances partial penetration of the aquifer can significantly affect the yield-drawdown characteristics of the well, and correcting for it improves both the accuracy and consistency of hydraulic conductivity estimates.

The data and results of these calculations are shown on Table 3. Excluding the high and low estimates the hydraulic conductivity ranges from 2.2 ft/day to 113 ft/day. The average is 32.3 ft/day and this was assumed to be a representative uniform value for the aquifer.

For the Winflow model, the aquifer was assumed to have a depth of 1000 feet. Storativity was assumed to be 0.15, a typical value for unconfined aquifers. The model was programmed to model both steady-state conditions based on average annual stresses on the aquifer, and transient conditions with a one-month time step for aquifer stresses and a 20-year run time.

Both the cessation of depletion at the Brown property and the increased pumping from the City wells were included in the model in order to simulate the combined effect. Only the incremental increase or decrease from the water right transfer was programmed. Other impacts may occur in the future from City well pumping, but these are authorized under existing rights. Only the change in aquifer water level caused by the proposed transfer was modeled.

c. Depletion reduction at Brown

A monthly analysis of irrigation water requirements was completed to determine the net reduction in aquifer depletion at the Brown property. Detailed calculations are shown on Table 4. Precipitation deficit data from Allen & Robison (2009) was utilized, assuming a crop of "Alfalfa – less frequent cuttings." The site is approximately halfway between the Grandview and Mountain Home 1W sites, so the average of these two stations was used.

The total required annual diversion is 958 ac-ft and the annual net depletion was determined to be 675 acre-feet with the monthly distribution as shown. On an annual average basis, this is equivalent to a cessation of 418 gpm of pumping depletion.

For the steady-state model, the average annual depletion reduction was programmed. For the transient model, monthly depletion reduction was programmed and repeated indefinitely each year.

d. Pumping from city wells and recharge within the city

The Brown rights will be transferred to the City system to be utilized for irrigation purposes from any or all wells within the system. They will not be allowed to be pumped outside of the irrigation season. The pump-out will also be limited by the diversion rate of 2.66 cfs (1194 gpm) and the annual volume of 993.7 acre-feet. Irrigation authorization from the Brown rights will essentially replace irrigation now occurring from the existing municipal rights and therefore the use will not be treated as fully consumptive but some amount of water will return to the aquifer as recharge.

The utilization of the Brown rights was modeled by assuming a diversion from the City wells equal to the actual required diversion shown on Table 4; on an annual basis the diversion is close to, but does not exceed, the water right limit. Return to the aquifer (irrigation recharge) was then assumed to be distributed uniformly over the entire City area. Since the water will not be diverted from any specific wells, two scenarios were modeled:

1. Diversion split evenly between 7 potential wells situated around the perimeter of the City.
2. Diversion split evenly between the two southernmost potential wells (Smith & Bruneau and New Shop). This scenario is intended to reflect a worst-case situation which would result in the maximum drawdown south of the City where the potential for impact on domestic and irrigation wells is highest.

For the steady-state model, average annual withdrawals and recharge were programmed. For the transient model, monthly values were programmed and repeated indefinitely each year.

e. Model results

The simulated steady-state drawdown due to the proposed transfer is illustrated on Figures 4 and 5. In Figure 4, the withdrawal is distributed uniformly amongst all wells. Computed drawdown around the perimeter of the City is approximately 0.8 feet. In Figure 5, withdrawal is concentrated in the two southernmost wells. Computed drawdown is approximately 1.5 feet in the immediate vicinity of these wells and less than 1.0 foot outside the City limits.

The transient impact of the proposed transfer is illustrated on Figure 6, in which the time-varying pattern of drawdown is shown at a point at the intersection of Smith and S. 5th W. which is about halfway between the two southernmost wells. The seasonal pattern caused by the pumping is evident. Maximum drawdown occurs in October or November as a result of the pumping during the irrigation season. Minimum drawdown occurs in April or May, just prior to the irrigation season. 85% of the maximum 20-year impact is realized after 5 years, and 93% is realized after 20 years.

Table 3. Transmissivity Estimation with Partial Penetration

Bradbury and Rothchild (1985) specific capacity method.
Suitable for situations where a single time and drawdown measurement is available.
Includes effects of partial penetration using Sternberg (1973) approach.
Enter data in blue, pay attention to units. Vary "Trial T" until equal to "Calc T".

Well No.	Name	Location*	Pumping		Time [min]	Well radius [in]	Storativity	SWL [ft]	Aquifer bottom [ft]	Average aquifer		Specific capacity	L/b	G	sp	Trial T		Calc T [ft/d]	Calc K [ft/d]	In K
			Rate [gpm]	Drawdown [ft]						Avg open interval [ft]	thickness [ft]					(vary) [ft2/d]				
1	LCSC Ent.	4S6E24NESE	2600	78	480	10	0.15	416	800	345	33.3	0.75	1.90	1.35	6899.0	6899.6	20.0	3.00		
2	Olson, C.	4S7E20NESW	1700	62	420	10	0.15	388	800	115	27.4	0.30	1.64	10.37	13483.0	13483.3	35.4	3.57		
3	Chenery	4S6E24SWSW	2800	20	720	8	0.15	365	800	425	140.0	0.94	2.26	0.26	29241.0	29241.3	68.8	4.23		
4	Galey	4S7E07NESE	586	82	240	6	0.15	308	800	153	451	0.34	1.59	10.17	3367.0	3367.3	7.5	2.01		
5	Spencer 67	4S6E25SWNW	2690	80	2400	8	0.15	355	800	405	33.6	0.10	2.33	37.24	45976.0	45975.7	113.5	4.73		
6	Spencer 70	4S6E25SESE	2630	53	360	8	0.15	353	800	380	420.5	0.90	2.19	0.45	9254.0	9253.5	22.0	3.09		
7	Hilliard	4S6E26WNNE	2300	67	1860	10	0.15	383	800	140	383.5	0.37	1.56	7.95	15181.0	15180.5	39.6	3.68		
8	Leydet	4S6E13WNNE	2700	40	120	8	0.15	328	800	88	452	0.19	1.91	19.05	51689.0	51688.7	114.4	4.74		
9	Corder	4S6E13NESW	1600	88	11	6	0.15	336	800	409	420	18.2	0.97	2.32	0.12	1960.0	1960.4	4.7	1.54	
10	Mtn Home #8	3S6E25WNWNW	1840	65	480	16	0.15	395	800	69	372.5	28.3	0.19	1.95	16.21	18775.0	18775.6	50.4	3.92	
11	Mtn Home #13	3S6E27SWNE	2200	10	360	20	0.15	445	850	405	220.0	1.01	2.38	-0.04	36124.0	36123.8	90.3	4.50		
12	Mtn Home #15	3S6E25WNWNW	1500	61.75	277	16	0.15	489.7	800	279	279.4	1.00	2.35	0.00	3185.0	3185.4	11.4	2.43		
13	Hofer	4S6E12SWNE	2000	35	240	12	0.15	328	800	151	454.5	0.33	1.59	9.10	25613.0	25613.3	56.4	4.03		
14	Ferbrache	4S6E13NENE	1000	23	180	16	0.15	323	800	136	465.5	0.29	1.66	10.17	20188.0	20187.6	43.4	3.77		
15	Squaw Creek	4S6E35SENE	1450	100	1740	16	0.15	398	800	260	352	0.74	1.87	1.31	2867.0	2866.7	8.1	2.10		
16	Hennis	4S6E35NENE	1100	62	1440	16	0.15	358	800	411	17.7	0.34	1.58	8.03	7364.0	7364.2	17.9	2.89		
17	Olson-south	4S7E29WNWNW	1438	52	480	16	0.15	368	800	60	406	0.15	2.09	20.90	22388.0	22388.1	55.1	4.01		
18	Church of Naz	3S7E31SWNW	300	10	480	8	0.15	355	800	254	30.0	0.58	1.61	3.57	8558.0	8558.1	19.5	2.97		
19	Lawson	3S6E26NWWSW	1300	35	180	12	0.15	18	800	788	764.5	1.03	2.40	-0.13	5068.0	5068.0	6.6	1.89		
20	Post	4S5E36NWSE	1000	72	360	16	0.15	428	800	171	336	0.51	1.55	3.84	3531.0	3531.3	10.5	2.35		
21	Brown, B	4S6E18SESE	1140	50	960	20	0.15	420	800	220	355	0.62	1.67	2.27	5006.0	5005.8	14.1	2.65		
22	Smith, A	4S6E19WNWNW	2300	33	300	15	0.15	377	800	217	406.5	0.53	1.57	3.68	19129.0	19129.4	47.1	3.85		
23	Mtn Home #12	3S6E13NESW	2000	325	1170	18	0.15	53.5	800	369	584	6.2	0.63	1.69	2.49	1306.0	1305.7	2.2	0.80	North of I-84
24	Mtn Home #14	3S7E19NESE	1400	121.5	65	16	0.15	198.5	800	432	540.8	1.15	0.80	1.99	1.01	1475.0	1474.6	2.7	1.00	North of I-84
25	Aguirre	3S6E10SWNE	540	204	360	16	0.15	87	800	433	611	2.6	0.71	1.82	1.77	419.0	418.9	0.7	-0.38	North of I-84
26	Ivey	3S7E18NWWSW	320	40	240	8	0.15	34	800	344	746	8.0	0.46	1.53	6.42	2756.0	2755.6	3.7	1.31	North of I-84
27	Leydet-north	3S6E10NWSE	1700	180	240	12	0.15	40	800	260	670	9.4	0.39	1.54	7.83	3583.0	3582.7	5.3	1.68	North of I-84
28	Idaho Power	3S6E10SWNW	275	27	360	4	0.15	158	800	296.5	628.5	10.2	0.47	1.53	6.73	3941.0	3941.3	6.3	1.84	North of I-

Mean	17628.7	32.3	2.8
Median	13483.3	19.5	3.0
Max	45975.7	114.4	4.7
Min	3367.3	0.7	-0.4
Std dev	15001.2	33.2	1.3

Excluding wells north of I-84:

Mean	18640.6	38.9	3.3
Median	18775.6	28.7	3.3
Max	51688.7	114.4	4.7
Min	1960.4	4.7	1.5
Std dev	17109.7	33.4	1.0

* From drilling records, corrected if needed based on water right records and/or aerial photo evidence.

TRANSFER No. 7827?
#9 (pg 9 of 17)

Table 4. Brown well monthly and average withdrawals and returns

CGB 6/27/2012

Irrig efficiency 0.75
Acres 233

Blue = limited by water right

Month	Days	Pdef*		Required Application		Actual diversion		Recharge		Net depletion	
		mm/d	inches	inches	ac-ft	gpm	ac-ft	inches	gpm	ac-ft	gpm
April	30	3.18	3.75	5.00	97.2	733	97.2	1.25	183	24.3	550
May	31	5.09	6.21	8.28	161.0	1175	161.0	2.07	294	40.2	881
June	30	4.83	5.70	7.61	147.8	1115	147.8	1.90	279	37.0	836
July	31	6.56	8.01	10.68	207.5	1194	163.6	2.67	379	51.9	815
August	31	5.76	7.03	9.37	182.2	1330	182.2	2.34	332	45.5	997
September	30	3.21	3.79	5.05	98.1	740	98.1	1.26	185	24.5	555
October	31	2.04	2.49	3.32	64.5	471	64.5	0.83	118	16.1	353
Totals			36.98	49.30	958.15		914.30	12.33		239.54	

* ET Idaho, Average of Mountain Home 1W and Grandview Agrimet stations, Alfalfa - less frequent cuttings

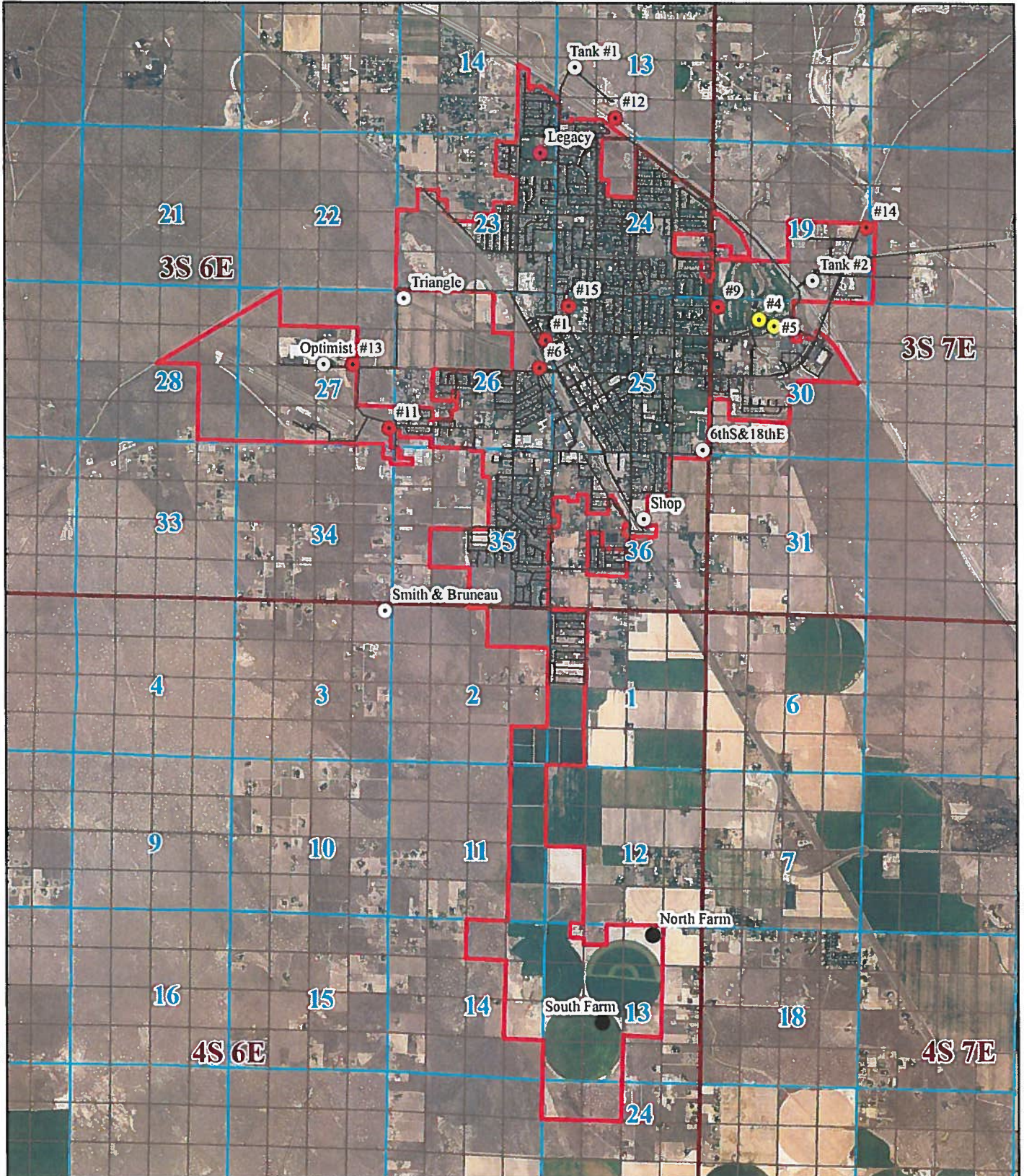
Annual total diversion 914.30 ac-ft
Annual average 567 gpm 965

Water right allowed volume 993.7 ac-ft
Annual average 616 gpm

Annual total recharge 239.54 ac-ft
Annual average 0.03377 in/day 148 gpm

Annual total net depletion 674.76 ac-ft
Annual average 418 gpm

TRANSFER No. 7B272
#9 (15 10 OF 17)



0 0.4 0.8 1.6 Miles

**CITY OF MOUNTAIN HOME
TRANSFER 2012
NAIP 2013 AERIAL PHOTO**

FIGURE #1 - SYSTEM MAP

Legend

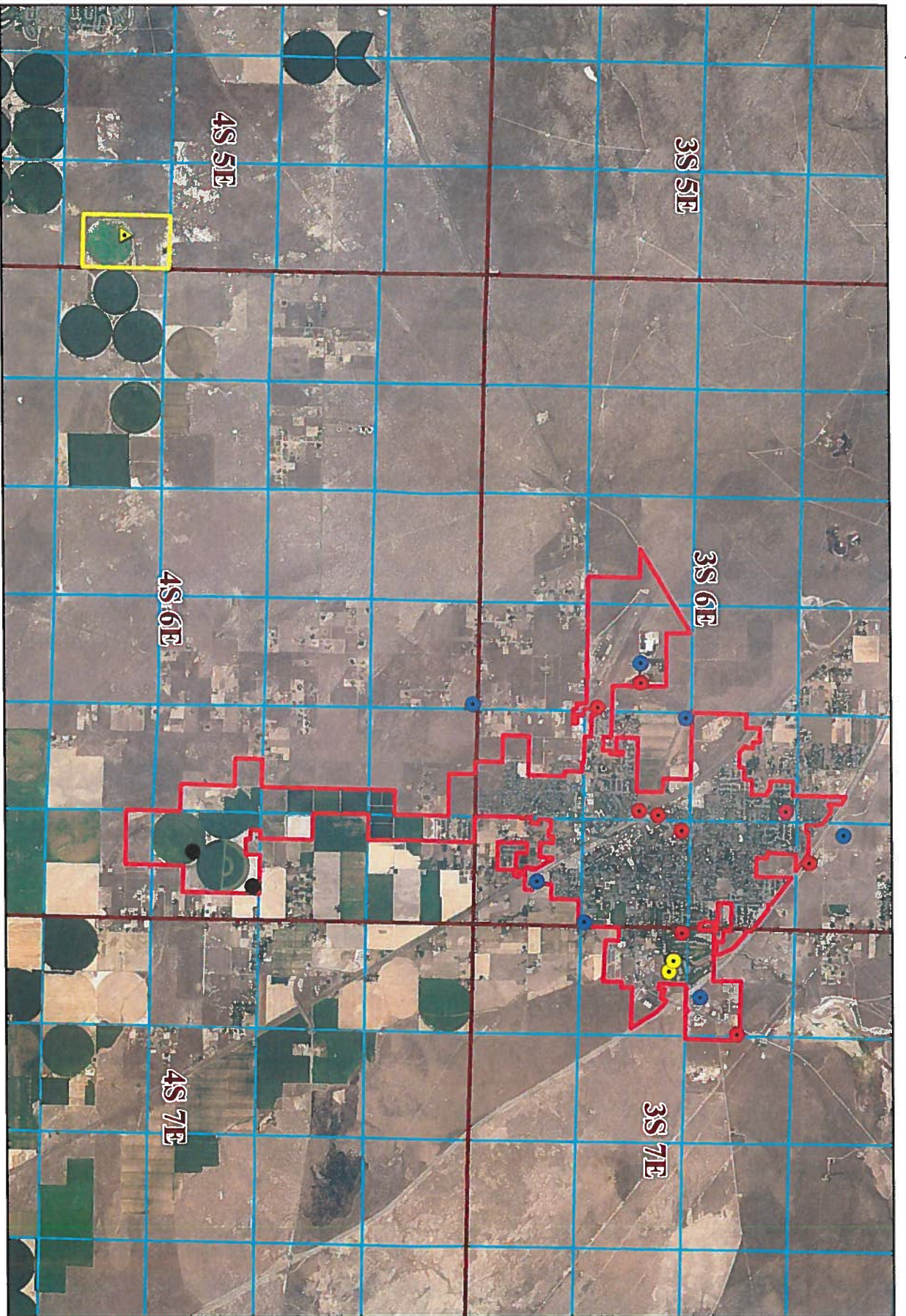
- Farm Wells
- Proposed POD Future Wells
- POD on WR, Active Wells
- POD on WR, Inactive Well
- POD on WR, No Well
- ▭ Proposed Place of Use
- Water Lines
- ▭ twship
- ▭ Sections
- ▭ QQ Lines

BROCKWAY ENGINEERING PLLC
ALR - Date: 12/10/2013

AMENDED

*RECEIVED VIA EMAIL FROM APPLICANT'S REPRESENTATIVE 12/10/2013.

TRANSFER No. 7827
#9 (Pg) of 17.



**CITY OF MOUNTAIN HOME
TRANSFER 2012
NAIP 2013 AERIAL PHOTO**

BROCKWAY ENGINEERING PLLC
ALR - Date: 12/10/2013

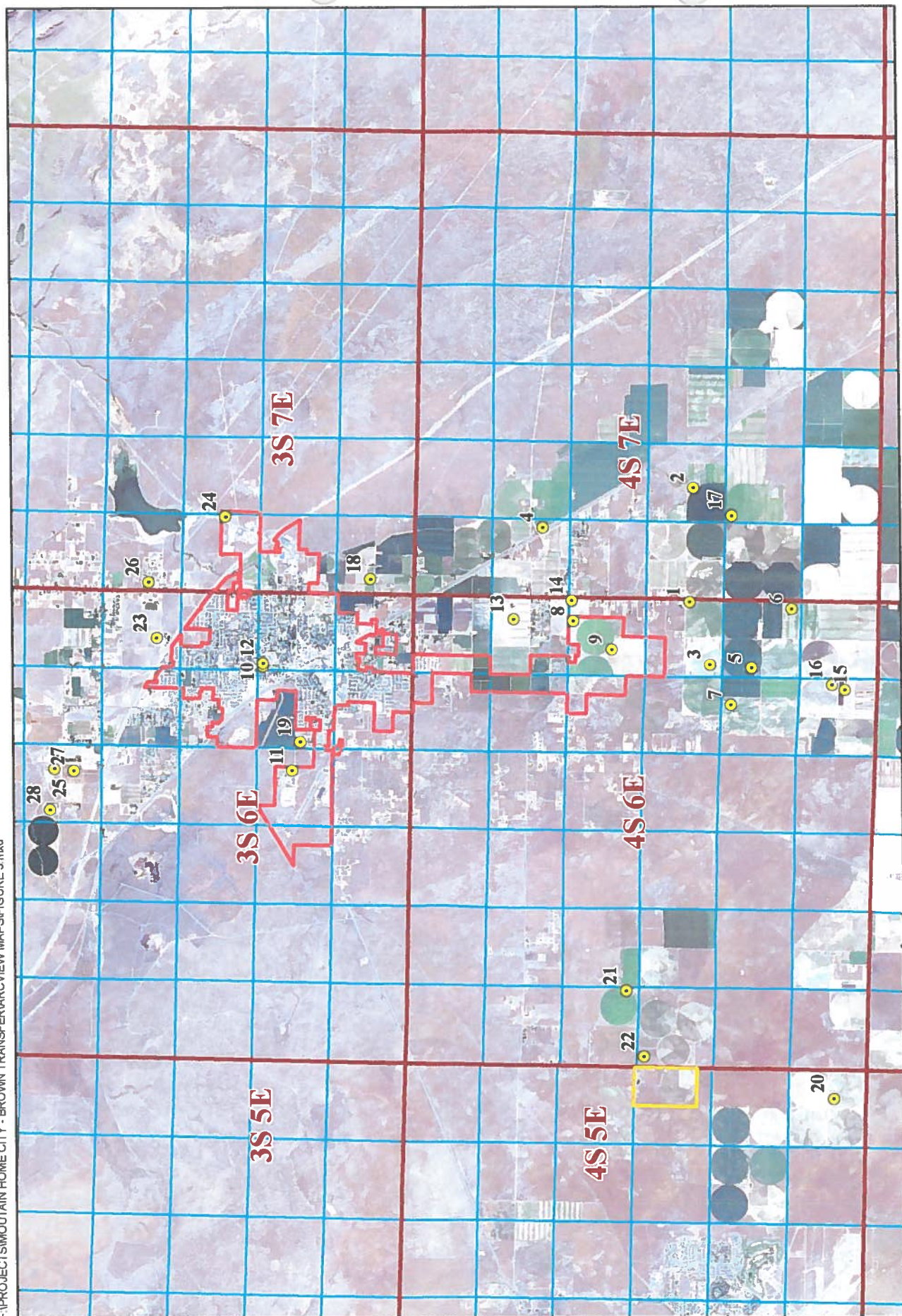
FIGURE #2

- Legend**
- From_WR_POD
 - From_WR_POU
 - Proposed_Existing_Wells
 - Active Wells
 - POD on WR, Inactive Well
 - POD on WR, No Well
 - Proposed_Placement_of_Use
 - Township
 - Sections

AMENDED*

TRANSFER No. 78273
#9 (Pg 12 of 17)

* RECEIVED VIA EMAIL FROM APPLICANT'S REPRESENTATIVE 12/10/2013.



Legend

- WELLS USED
- From_WR_POU
- Proposed_Place_of_Use
- township
- Sections

**CITY OF MOUNTAIN HOME
WELLS USED FOR HYDRAULIC CONDUCTIVITY EST.
NAIP 2011 AERIAL PHOTO**

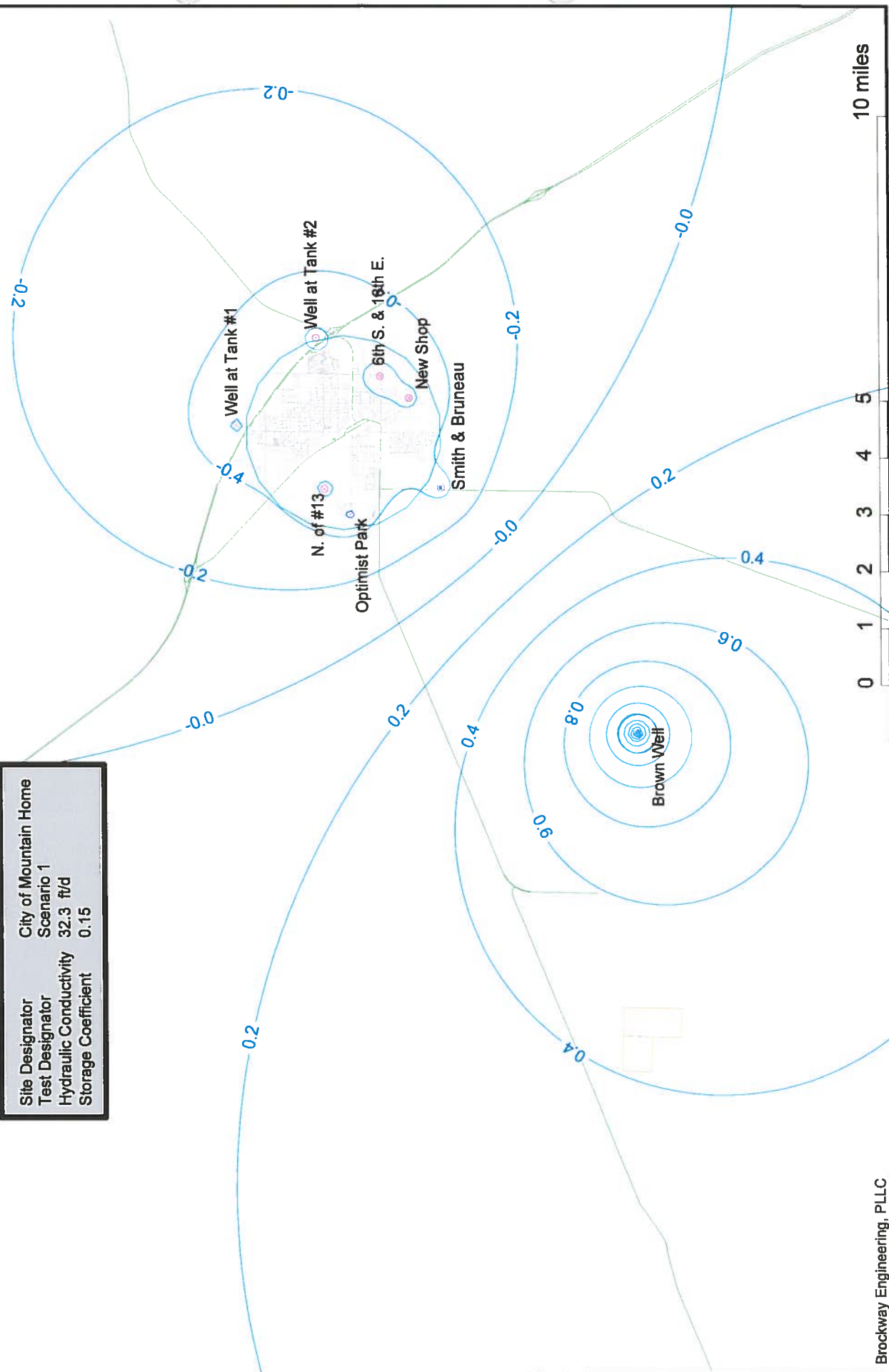
FIGURE #3

Figure 4. Predicted Long-Term Drawdown from Proposed Transfer

Average Annual Diversion Rate Distributed Uniformly Amongst New Wells

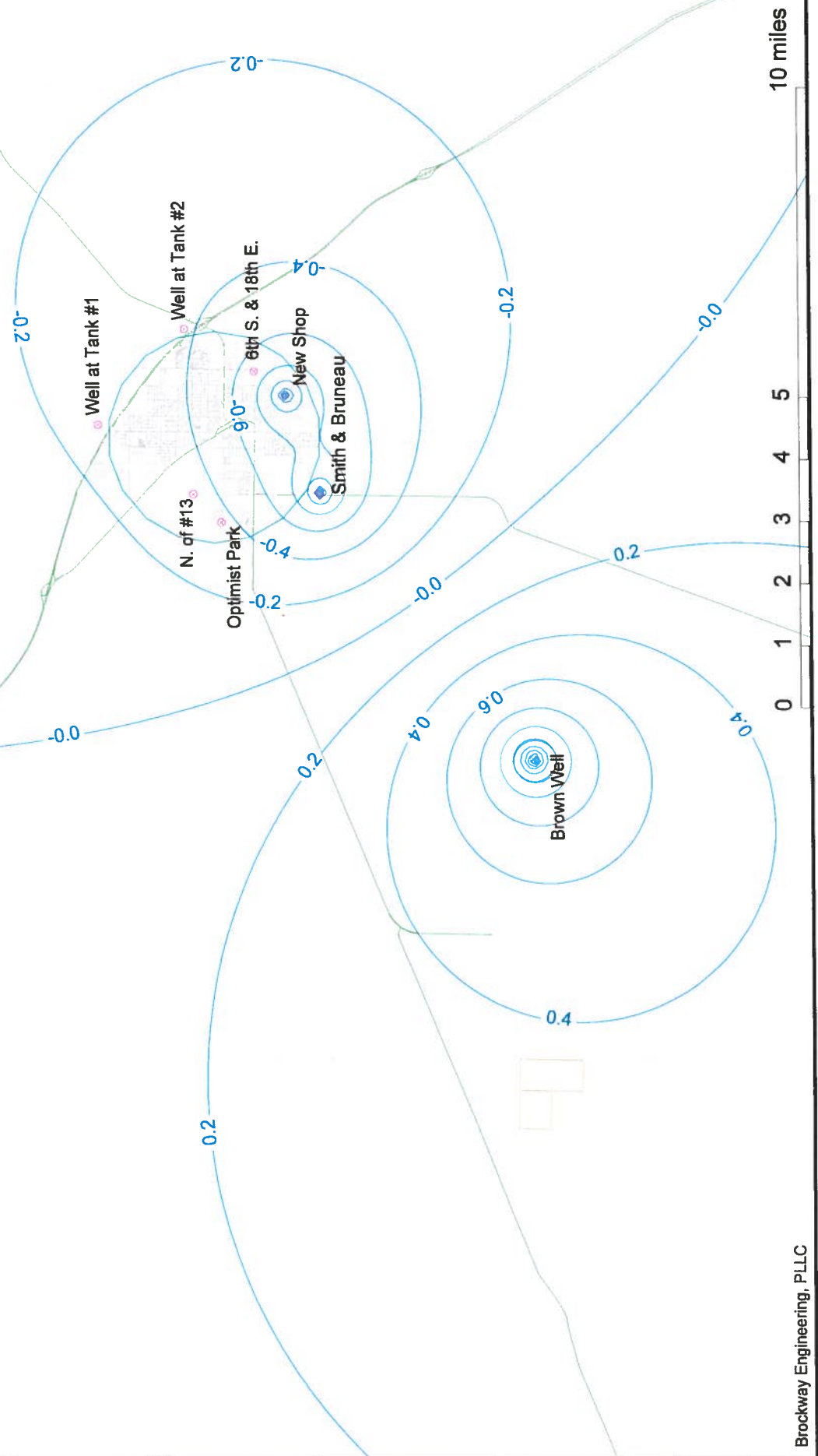
Steady-State Conditions

Site Designator	City of Mountain Home
Test Designator	Scenario 1
Hydraulic Conductivity	32.3 ft/d
Storage Coefficient	0.15



Average Annual Diversion Rate Concentrated at Two Southern-most New Wells Steady-State Conditions

Site Designator	City of Mountain Home
Test Designator	Scenario 2
Hydraulic Conductivity	32.3 ft/d
Storage Coefficient	0.15



Brockway Engineering, PLLC

TRANSFER No. 7827
#9 (PG 15 OF 17)

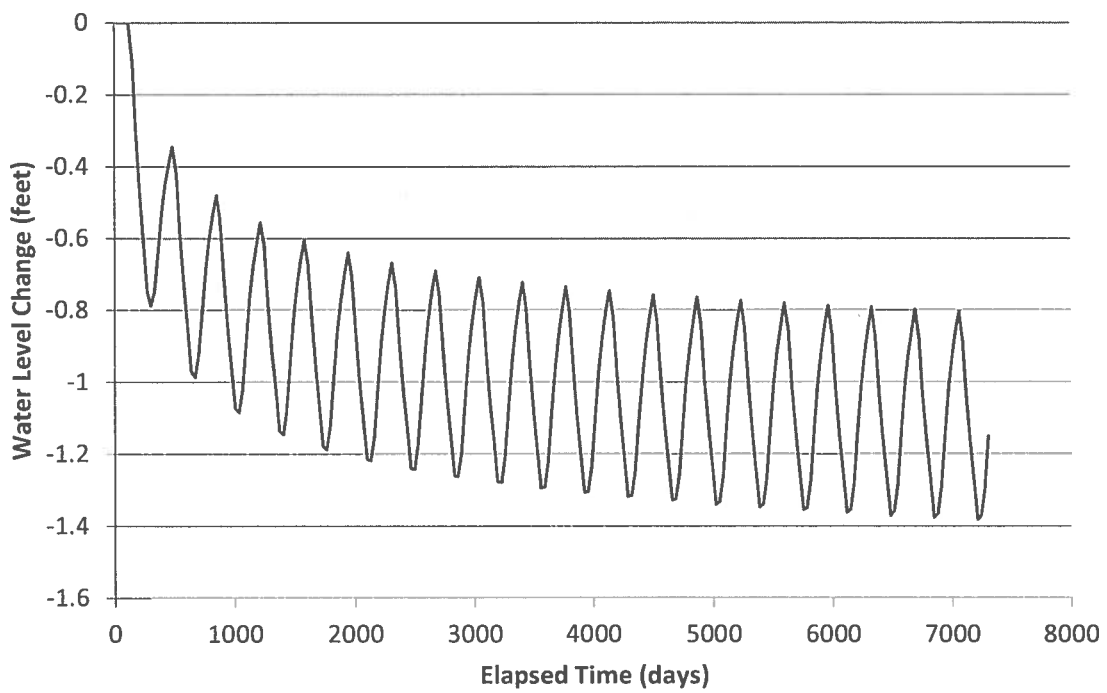


Figure 6. Transient water level pattern at Smith Rd. & S. 5th W.



8/21/13

City of Mountain Home

www.mountain-home.us

160 South 3rd East PO Box 10 Mountain Home, Id 83647 (208) 580-2091 Fax (208) 587-2171

	SINGLE FAMILY	DUPLEX	4- PLEX	3- PLEX	1/2 TOWN HOUSE	TOTAL PERMIT	TOTAL UNITS
1999	76	2	0	0	0	78	80
2000	100	7	2	0	4	113	126
2001	91	3	0	3	4	101	106
2002	105	10	2	0	6	123	133
2003	113	5	16	0	2	136	187
2004	156	25	0	0	4	185	210
2005	135	33	8	1	4	181	240
2006	119	25	0	3	10	157	188
2007	146	22	13	3	16	197	258
2008	103	10	2	0	4	119	135
2009	71	1	0	0	0	72	73
2010	21	0	0	0	0	21	21
2011	10	0	0	0	0	10	10
2012	40	0	0	0	0	40	40
2013	24	0	0	0	0	24	24
Total							1827

$\frac{1}{2}$ 2004 through 8/21/13

1094

Sincerely,

Michael F. McCain
Building and Zoning Official
City of Mountain Home
Office: (208)-580-2091
Cell: (208)-863-4542
mmccain@mountain-home.us

TRANSFER No. 7827
pg 17 of 17

Point of Diversion Supplement

Application for Transfer - City of Mountain Home
August 2013

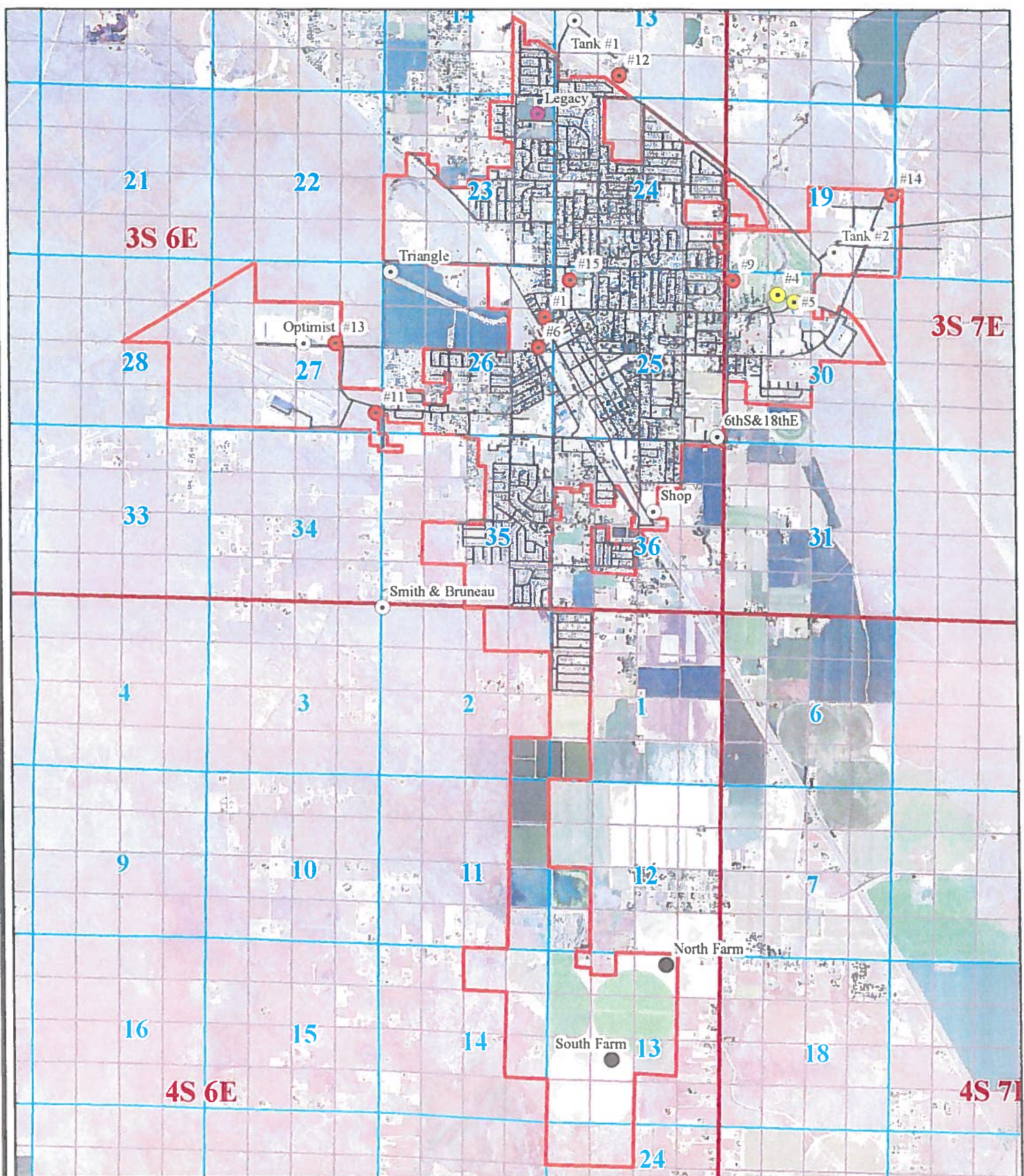
Location of Points of Diversion

Twp	Rge	Sec	1/4	1/4	1/4	Lot	County	Source	Local Name	Existing POD ⁽¹⁾	Proposed POD ⁽²⁾	Active Well ⁽³⁾
03S	06E	13		SE	SW		Elmore	Groundwater	Well 12	x		x
03S	06E	23		NE	NE		Elmore	Groundwater	Legacy Park	x		
03S	06E	25		NW	NW		Elmore	Groundwater	Well 15	x		x
03S	06E	26		SE	NE		Elmore	Groundwater	Well 1	x		x
03S	06E	26		SE	NE		Elmore	Groundwater	Well 6	x		x
03S	06E	27		SW	NE		Elmore	Groundwater	Well 13	x		x
03S	06E	27		SE	SE		Elmore	Groundwater	Well 11	x		x
03S	07E	19		NE	SE		Elmore	Groundwater	Well 14	x		x
03S	07E	30		NE	NW		Elmore	Groundwater	Well 4	x		
03S	07E	30		NE	NW		Elmore	Groundwater	Well 5	x		
03S	07E	30		NW	NW	1	Elmore	Groundwater	Well 9	x		x
04S	06E	13		NE	SW		Elmore	Groundwater	South Farm Well	x		
04S	06E	13		NW	NE		Elmore	Groundwater	North Farm Well	x		
03S	06E	36		SW	NE		Elmore	Groundwater	City shop		x	
03S	06E	27		SW	NE		Elmore	Groundwater	Optimist Park		x	
03S	06E	26		NW	NW		Elmore	Groundwater	Triangle N. of #13		x	
03S	06E	13		NW	SW		Elmore	Groundwater	Tank #1		x	
03S	06E	25		SE	SE		Elmore	Groundwater	6th S & 18th E		x	
03S	07E	19		SW	SE		Elmore	Groundwater	Tank #2		x	
04S	06E	2		NW	NW		Elmore	Groundwater	Smith Rd & Bruneau Hwy		x	

Notes:

- (1) Authorized point of diversion (well) on City's existing municipal and irrigation water rights.
- (2) Proposed additional authorized point of diversion (well) for existing rights and new rights being moved into system.
- (3) Active supply source to municipal system as of August 2013

SUPERSEDED BY AMENDED POD SUPPLEMENT RECEIVED 12/10/2013



0 0.375 0.75 1.5 Miles

**CITY OF MOUNTAIN HOME
TRANSFER 2012
NAIP 2011 AERIAL PHOTO**

FIGURE #1 - SYSTEM MAP

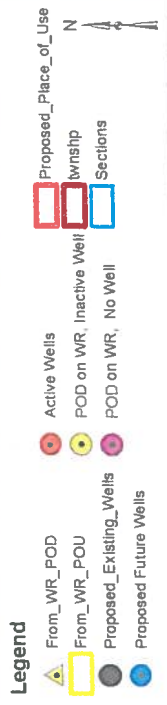
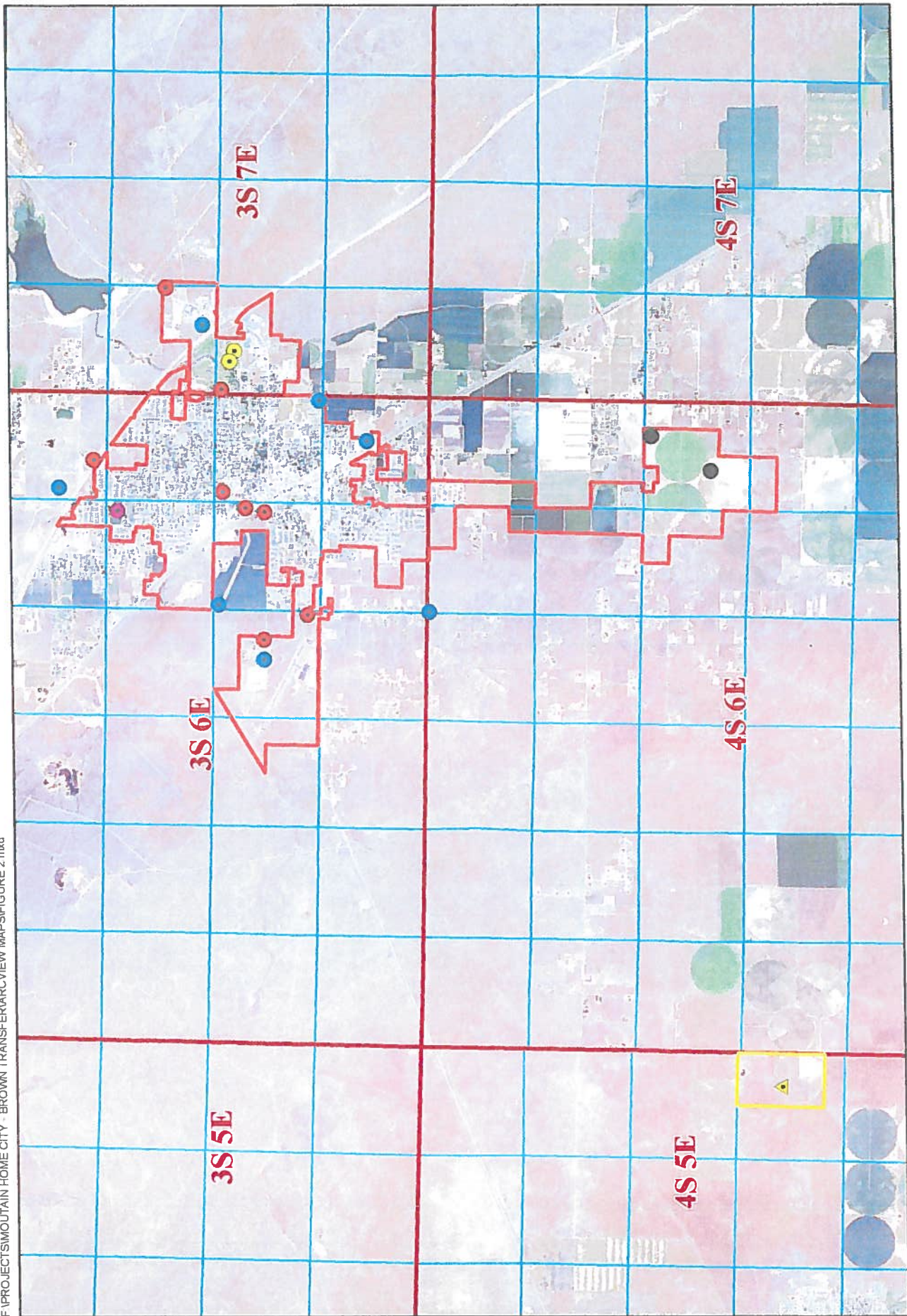
Legend

- Farm Wells
- Proposed POD Future Wells
- POD on WR, Active Wells
- POD on WR, Inactive Well
- POD on WR, No Well
- Proposed Place of Use
- Water Lines
- twship
- Sections
- QQ Lines

BROCKWAY ENGINEERING PLLC
ALR - AUG. 22, 2013

ATTACHMENT 7a (pg 1 of 1)
SUPERSEDED BY AMENDED MAP RECEIVED 12/10/2013

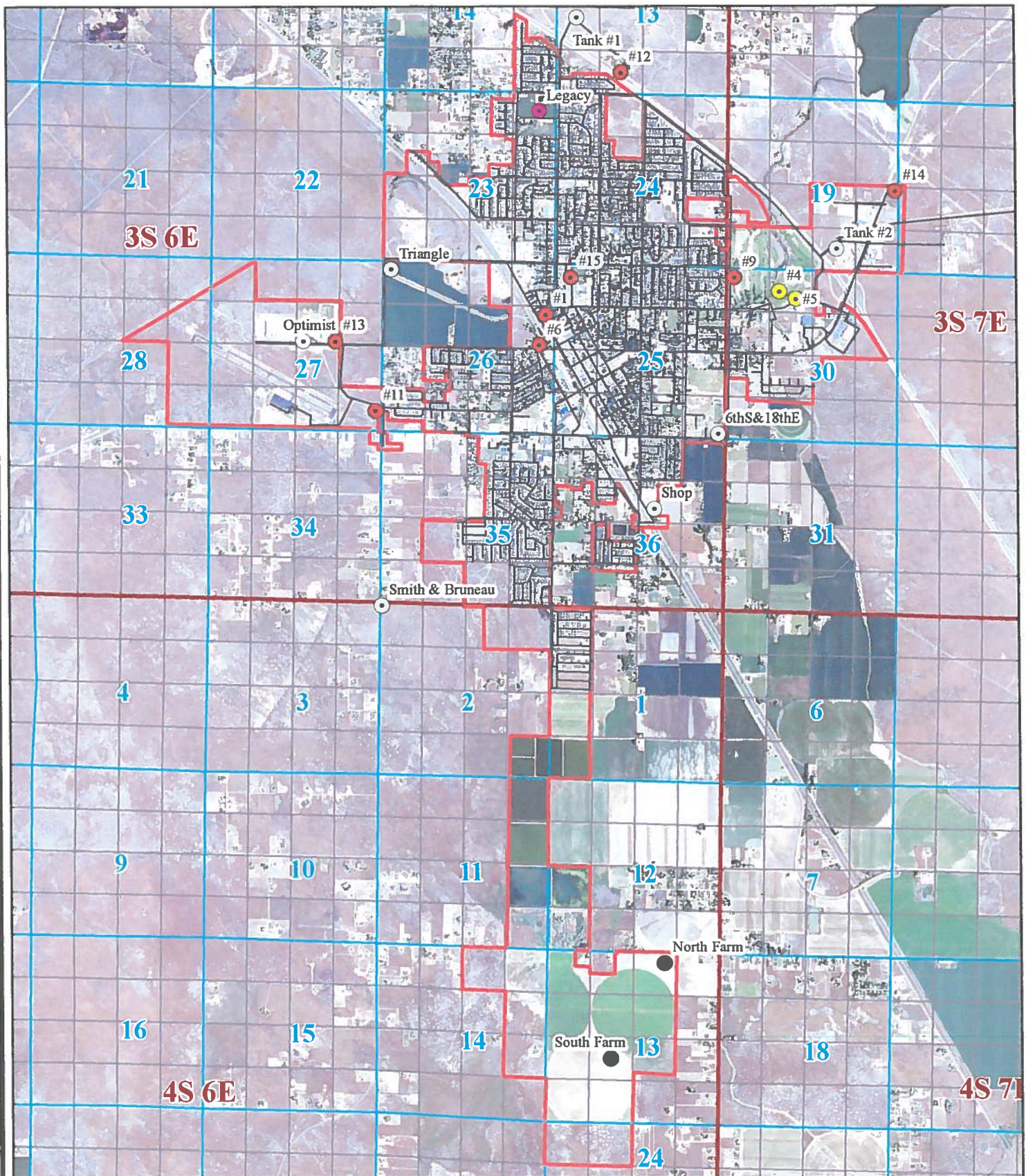
TRANSFER No. 78273



**CITY OF MOUNTAIN HOME
TRANSFER 2012
NAIP 2011 AERIAL PHOTO**

FIGURE #2

ATTACHMENT #7b (PG 1 OF 1)
SUPERSEDED BY AMENDED MAP RECEIVED 12/10/2013
Transfer No. 70273



0 0.375 0.75 1.5 Miles

CITY OF MOUNTAIN HOME TRANSFER 2012 NAIP 2011 AERIAL PHOTO

FIGURE #1 - SYSTEM MAP

BROCKWAY ENGINEERING PLLC
ALR - AUG. 22, 2013

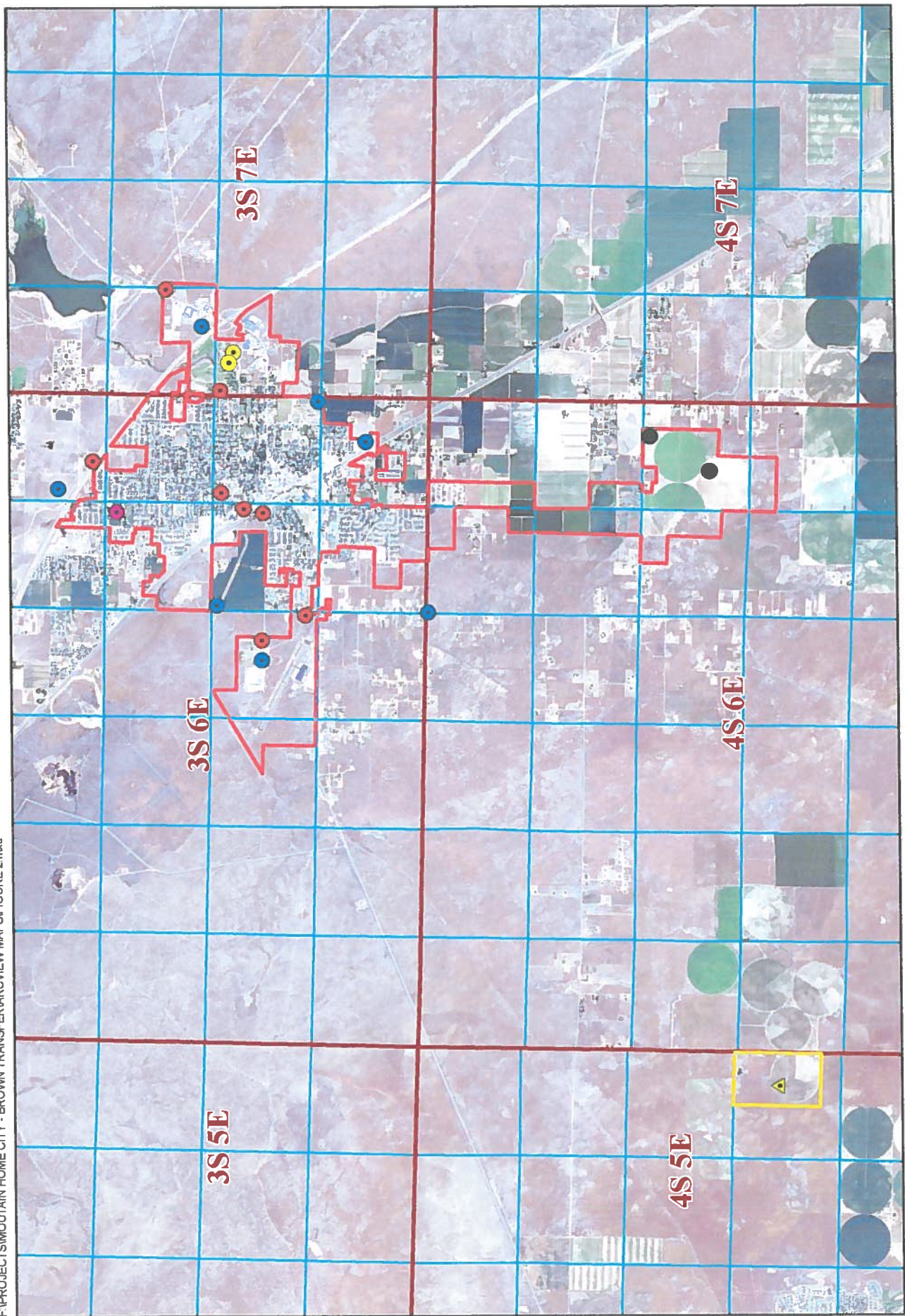
Legend

- Farm Wells
- Proposed POD Future Wells
- POD on WR, Active Wells
- POD on WR, Inactive Well
- POD on WR, No Well
- Proposed Place of Use
- Water Lines
- twship
- Sections
- QQ Lines



SUPERSEDED BY MAP RECEIVED 12/10/2013

TRANSFER No. 78273
#9 (Pg 11 of 17)



**CITY OF MOUNTAIN HOME
TRANSFER 2012
NAIP 2011 AERIAL PHOTO**

FIGURE #2

SUPERSEDED BY MAP RECEIVED 12/10/2013

*TRANSFER No. 7827
#9 (PG 12 OF 17)*

**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.

- ☐ ☒ #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 1.5.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: Narrative

* SUPERSEDED BY AMENDED APPLICATION RECEIVED 10/18/2013

ORIGINAL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78273
78074

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) City of Mountain Home Phone (208) 587-2108Mailing address P.O. Box 10, Mountain Home, ID 83647 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 RepresentativeName of Representative Charles G. Brockway, P.E. Phone (208) 736-8543Mailing address 2016 Washington St N Ste 4 Email _____☐ 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.

Tom Rist
Signature of Applicant or Authorized Representative

Tom Rist, Mayor
Print Name and Title if applicable

7/18/2012
Date

Ch. Brockway
Signature of Applicant or Authorized Representative

Charles G. Brockway
Print Name and Title if applicable

7/30/2012
Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- 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. Add new points of diversion and transfer irrigation rights to the City of Mountain Home water supply system** for use within the service area of the City.

* SUPERSEDED BY AMENDED APPLICATION RECEIVED 10/18/13

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.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part					
☒ ☐	61-2188	2.66 / 593.7	<u>MUNICIPAL</u> Irrigation	3/15 to 11/15	Groundwater
☒ ☐	61-7151	1.14 / 400.0	<u>MUNICIPAL</u> Irrigation	4/1 to 10/31	Groundwater
☒ ☐	61-2167	1.97 / 628.0	<u>MUNICIPAL</u> Irrigation	4/1 to 11/1	Groundwater
☒ ☐	61-2210	5.35 / 1172.0	<u>MUNICIPAL</u> Irrigation	4/1 to 11/1	Groundwater
☒ ☐	61-7439	3.14 / 628.0	<u>MUNICIPAL</u> Irrigation	4/1 to 10/31	Groundwater
☒ ☐	61-7172F	2.81 / 885.3	<u>MUNICIPAL</u> Irrigation	3/15 to 10/15	Groundwater
☒ ☐	61-2072	2.00	Municipal	1/1 to 12/31	Groundwater
☒ ☐	61-2170	9.64	Municipal	1/1 to 12/31	Groundwater
☒ ☐	61-7184	4.35	Municipal	1/1 to 12/31	Groundwater
x	61-7339	4.50	Municipal	1/1 to 12/31	Groundwater
Total authorized under rights		37.56	cfs and/or	ac-ft	

2. Total amount of water proposed to be transferred or changed 37.56 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion: Attached POD supplement.

- ☐ 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**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.) Attached POU supplement and service area map

- ☐ 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	

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: _____

Existing municipal water supply and distribution system. All wells have controlling works and measuring devices.

- 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. 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:

233.2 acres will no longer be irrigated.

- 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:

- 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: _____

Portions of 61-2188 and 61-7151 have been leased to the water supply bank since 2003.

Total Acres (for irrigation use)

Page _____ of _____

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

Current Water Right No.: 61-2188

Current Owner: JAY B BROWN

Priority Date: 2/17/1966

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	2.66 CFS	593.7 AF
	<u>Total Diversion</u>	2.66 CFS	593.7 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 24,	Twp 04S,	Rge 05E B.M.
ELMORE County				

Place of Use

IRRIGATION Within ELMORE County

T04S R05E S24	NENE	40.00	T04S R05E S24	NWNE	40.00
T04S R05E S24	SWNE	40.00	T04S R05E S24	SENE	40.00
T04S R05E S24	NESE	40.00	T04S R05E S24	NWSE	40.00
T04S R05E S24	SWSE	10.00	T04S R05E S24	SESE	10.00

Total Acres: 260

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 61-07151 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.66 CFS.
2. RIGHT NOS. 61-07151, 61-12272 AND 61-12273 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 133.2 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 61-07151 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 233.2 ACRES IN A SINGLE IRRIGATION SEASON.
4. C15 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
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.

Decreed Date: 10/26/2000

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

Current Water Right No.: 61-7151

Current Owner: JAY B BROWN

Priority Date: 4/9/1973

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	1.14 CFS	400 AF
	<u>Total Diversion</u>	1.14 CFS	400 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4NE1/4 Sec. 24, Twp 04S, Rge 05E B.M.
ELMORE County

Place of Use

IRRIGATION Within ELMORE County

T04S R05E S24	NENE	40.00	T04S R05E S24	NWNE	40.00
T04S R05E S24	SWNE	40.00	T04S R05E S24	SENE	40.00
T04S R05E S24	NESE	40.00	T04S R05E S24	NWSE	40.00
T04S R05E S24	SWSE	10.00	T04S R05E S24	SESE	10.00

Total Acres: 260

Conditions of Approval:

1. RIGHT NOS. 61-02188, 61-12272 AND 61-12273 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
2. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 61-02188 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 233.2 ACRES IN A SINGLE IRRIGATION SEASON.
3. C15 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
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. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
6. USE OF THIS RIGHT WITH RIGHT NO. 61-02188 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.66 CFS.

Decreed Date: 10/26/2000

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

Current Water Right No.: 61-2167

Current Owner: CITY OF MOUNTAIN HOME

Priority Date: 4/6/1964

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	1.97 CFS	628 AF
	<u>Total Diversion</u>	1.97 CFS	628 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 27,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SE1/4SE1/4	Sec. 27,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NE1/4NW1/4	Sec. 30,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	SE1/4SW1/4	Sec. 13,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NE1/4NE1/4	Sec. 23,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NW1/4NW1/4	Sec. 25,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NE1/4SE1/4	Sec. 19,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	NE1/4NW1/4	Sec. 30,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	L1(NW1/4NW1/4)	Sec. 30,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	SE1/4NE1/4	Sec. 26,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SE1/4NE1/4	Sec. 26,	Twp 03S,	Rge 06E B.M.
ELMORE County				

Place of Use

IRRIGATION Within ELMORE County

T03S R06E S22	SESE	T03S R06E S23	NENE
T03S R06E S23	SWNE	T03S R06E S23	SENE
T03S R06E S23	SWNW	T03S R06E S23	SENW
T03S R06E S23	NESW	T03S R06E S23	NWSW
T03S R06E S23	SWSW	T03S R06E S23	SESW
T03S R06E S23	NESE	T03S R06E S23	NWSE
T03S R06E S23	SWSE	T03S R06E S23	SESE
T03S R06E S24	NENE	T03S R06E S24	NWNE
T03S R06E S24	SWNE	T03S R06E S24	SENE
T03S R06E S24	NENW	T03S R06E S24	NWNW
T03S R06E S24	SWNW	T03S R06E S24	SENW
T03S R06E S24	NESW	T03S R06E S24	NWSW
T03S R06E S24	SWSW	T03S R06E S24	SESW
T03S R06E S24	NWSE	T03S R06E S24	SWSE
T03S R06E S24	SESE	T03S R06E S25	NENE
T03S R06E S25	NWNE	T03S R06E S25	SWNE
T03S R06E S25	SENE	T03S R06E S25	NENW
T03S R06E S25	NWNW	T03S R06E S25	SWNW
T03S R06E S25	SENW	T03S R06E S25	NESW
T03S R06E S25	NWSW	T03S R06E S25	SWSW
T03S R06E S25	SESW	T03S R06E S25	NESE
T03S R06E S25	NWSE	T03S R06E S25	SWSE
T03S R06E S25	SESE	T03S R06E S26	NENE
T03S R06E S26	NWNE	T03S R06E S26	SWNE
T03S R06E S26	SENE	T03S R06E S26	NENW
T03S R06E S26	NWNW	T03S R06E S26	SESW
T03S R06E S26	NESE	T03S R06E S26	NWSE
T03S R06E S26	SWSE	T03S R06E S26	SESE
T03S R06E S35	NENE	T03S R06E S35	NWNE
T03S R06E S35	SWNE	T03S R06E S35	SENE
T03S R06E S35	SENW	T03S R06E S35	NESE
T03S R06E S35	NWSE	T03S R06E S36	NENE
T03S R06E S36	NWNE	T03S R06E S36	SWNE
T03S R06E S36	NENW	T03S R06E S36	NWNW
T03S R06E S36	SWNW	T03S R06E S36	SENW
T03S R06E S36	NWSW	T03S R07E S19	SWNE
T03S R07E S19	SENE	T03S R07E S19	Lot 4 SWSW
T03S R07E S19	SESW	T03S R07E S19	NESE
T03S R07E S19	NWSE	T03S R07E S19	SWSE
T03S R07E S19	SESE	T03S R07E S30	NWNE
T03S R07E S30	SWNE	T03S R07E S30	NENW
T03S R07E S30	Lot 1 NWNW	T03S R07E S30	Lot 2 SWNW
T03S R07E S30	SENW	T03S R07E S30	NESW
T03S R07E S30	Lot 3 NWSW	T03S R07E S30	Lot 4 SWSW

Conditions of Approval:

1. X27 This right is limited to the irrigation of 157 acres within the authorized place of use in a single irrigation season.
2. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
3. X63 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
4. 020 The diversion and use of water described in Transfer 72128 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
5. X36 Rights 61-2210, 61-2072, 61-2170, 61-7184 and 61-7339 are also diverted through the points of diversion described above.
6. 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.
7. 004 This right does not grant any right-of-way or easement across the land of another.
8. Any diversions of water under this right shall not be allowed if irrigation within the authorized place of use is curtailed or ceases for any reason.
9. Rights 61-2072, 61-2170, 61-7184 and 61-7339 when combined shall not exceed a total diversion rate of 20.49 cfs, and a total annual maximum diversion volume of 14,834 af for municipal purposes; and when combined with irrigation rights 61-2167 and 61-2210 are limited to a total diversion rate of 27.81 cfs and a total annual maximum diversion volume of 16,634 af.
10. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
11. The right holder shall submit a report annually to the department demonstrating that the water diverted under rights 61-2167 and 61-2210 is necessary to satisfy demands for irrigation use during the authorized period of use. The annual report shall include the maximum weekly volume diverted for all purposes during both the irrigation season and the non-irrigation season. The annual report shall also include the total volume diverted for all purposes during both the irrigation season and the non-irrigation season. After specific notification by the department, the right holder shall provide to the department any data used to compile the report.
12. Prior to diversion and use of water for irrigation purposes under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
13. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
14. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre for irrigation of the authorized place of use.
15. Every 5 years, or more or less frequently if deemed necessary by the department, the right holder shall submit an analysis of the number of acres irrigated within the authorized place of use that are not already covered by Mountain Home Irrigation District or other surface water rights, which will include an aerial photo clearly designating all lands being irrigated.

Page _____ of _____

16. 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.

Decreed Date: 10/26/2000

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

Current Water Right No.: 61-2210

Current Owner: CITY OF MOUNTAIN HOME
Priority Date: 9/30/1966
Origin: Water Right
Status: Active
Basis: Decreed

Source**Tributary**

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	5.35 CFS	1172 AF
	<u>Total Diversion</u>	5.35 CFS	1172 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4	Sec. 13,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NE1/4NE1/4	Sec. 23,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NW1/4NW1/4	Sec. 25,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SE1/4NE1/4	Sec. 26,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SE1/4NE1/4	Sec. 26,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SW1/4NE1/4	Sec. 27,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SE1/4SE1/4	Sec. 27,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NE1/4NW1/4	Sec. 30,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	NE1/4NW1/4	Sec. 30,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	NE1/4SE1/4	Sec. 19,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	L1(NW1/4NW1/4)	Sec. 30,	Twp 03S,	Rge 07E B.M.
ELMORE County				

Place of Use

IRRIGATION Within ELMORE County

T03S R06E S22	SESE	T03S R06E S23	NENE
T03S R06E S23	SWNE	T03S R06E S23	SENE
T03S R06E S23	SWNW	T03S R06E S23	SENW
T03S R06E S23	NESW	T03S R06E S23	NWSW
T03S R06E S23	SWSW	T03S R06E S23	SESW
T03S R06E S23	NESE	T03S R06E S23	NWSE
T03S R06E S23	SWSE	T03S R06E S23	SESE
T03S R06E S24	NENE	T03S R06E S24	NWNE
T03S R06E S24	SWNE	T03S R06E S24	SENE
T03S R06E S24	NENW	T03S R06E S24	NWNW
T03S R06E S24	SWNW	T03S R06E S24	SENW
T03S R06E S24	NESW	T03S R06E S24	NWSW
T03S R06E S24	SWSW	T03S R06E S24	SESW
T03S R06E S24	NWSE	T03S R06E S24	SWSE
T03S R06E S24	SESE	T03S R06E S25	NENE
T03S R06E S25	NWNE	T03S R06E S25	SWNE
T03S R06E S25	SENE	T03S R06E S25	NENW
T03S R06E S25	NWNW	T03S R06E S25	SWNW
T03S R06E S25	SENW	T03S R06E S25	NESW
T03S R06E S25	NWSW	T03S R06E S25	SWSW
T03S R06E S25	SESW	T03S R06E S25	NESE
T03S R06E S25	NWSE	T03S R06E S25	SWSE
T03S R06E S25	SESE	T03S R06E S26	NENE
T03S R06E S26	NWNE	T03S R06E S26	SWNE
T03S R06E S26	SENE	T03S R06E S26	NENW
T03S R06E S26	NWNW	T03S R06E S26	SESW
T03S R06E S26	NESE	T03S R06E S26	NWSE
T03S R06E S26	SWSE	T03S R06E S26	SESE
T03S R06E S35	NENE	T03S R06E S35	NWNE
T03S R06E S35	SWNE	T03S R06E S35	SENE
T03S R06E S35	SENW	T03S R06E S35	NESE
T03S R06E S35	NWSE	T03S R06E S36	NENE
T03S R06E S36	NWNE	T03S R06E S36	SWNE
T03S R06E S36	NENW	T03S R06E S36	NWNW
T03S R06E S36	SWNW	T03S R06E S36	SENW
T03S R06E S36	NWSW	T03S R07E S19	SWNE
T03S R07E S19	SENE	T03S R07E S19	Lot 4 SWSW
T03S R07E S19	SESW	T03S R07E S19	NESE
T03S R07E S19	NWSE	T03S R07E S19	SWSE
T03S R07E S19	SESE	T03S R07E S30	NWNE
T03S R07E S30	SWNE	T03S R07E S30	NENW
T03S R07E S30	Lot 1 NWNW	T03S R07E S30	Lot 2 SWNW
T03S R07E S30	SENW	T03S R07E S30	NESW
T03S R07E S30	Lot 3 NWSW	T03S R07E S30	Lot 4 SWSW

Conditions of Approval:

1. Every 5 years, or more or less frequently if deemed necessary by the department, the right holder shall submit an analysis of the number of acres irrigated within the authorized place of use that are not already covered by Mountain Home Irrigation District or other surface water rights, which will include an aerial photo clearly designating all lands being irrigated.
2. X63 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
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. 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
5. Rights 61-2072, 61-2170, 61-7184 and 61-7339 when combined shall not exceed a total diversion rate of 20.49 cfs, and a total annual maximum diversion volume of 14,834 af for municipal purposes; and when combined with irrigation rights 61-2167 and 61-2210 are limited to a total diversion rate of 27.81 cfs and a total annual maximum diversion volume of 16,634 af.
6. Prior to diversion and use of water for irrigation purposes under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
7. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre for irrigation of the authorized place of use.
9. X36 Rights 61-2167, 61-2072, 61-2170, 61-7184 and 61-7339 are also diverted through the points of diversion described above.
10. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
11. X27 This right is limited to the irrigation of 293 acres within the authorized place of use in a single irrigation season.
12. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
13. 004 This right does not grant any right-of-way or easement across the land of another.
14. The right holder shall submit a report annually to the department demonstrating that the water diverted under rights 61-2167 and 61-2210 is necessary to satisfy demands for irrigation use during the authorized period of use. The annual report shall include the maximum weekly volume diverted for all purposes during both the irrigation season and the non-irrigation season. The annual report shall also include the total volume diverted for all purposes during both the irrigation season and the non-irrigation season. After specific notification by the department, the right holder shall provide to the department any data used to compile the report.
15. Any diversions of water under this right shall not be allowed if irrigation within the authorized place of use is curtailed or ceases for any reason.

Page _____ of _____

16. 020 The diversion and use of water described in Transfer 72128 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.

Decreed Date: 10/26/2000

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

Current Water Right No.: 61-7439

Current Owner: CITY OF MOUNTAIN HOME

Priority Date: 6/10/1981

Origin: Water Right

Status: Active

Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	3.14 CFS	628 AF
	<u>Total Diversion</u>	3.14 CFS	628 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SW1/4	Sec. 13,	Twp 04S,	Rge 06E B.M.
ELMORE County				

Place of Use

IRRIGATION Within ELMORE County

T04S R06E S13	NESW	39.00	T04S R06E S13	NWSW	39.00
T04S R06E S13	SWSW	40.00	T04S R06E S13	SESW	39.00
Total Acres: 157					

Conditions of Approval:

1. 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.

Licensed Date: 11/25/1992

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

Current Water Right No.: 61-7172F

Current Owner: CITY OF MOUNTAIN HOME
Priority Date: 11/19/1973
Origin: Water Right
Status: Active
Basis: Decreed

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.03 CFS	1.3 AF
IRRIGATION	3/15 to 10/15	2.81 CFS	884 AF
	<u>Total Diversion</u>	2.81 CFS	885.3 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4NW1/4NE1/4 Sec. 13, Twp 04S, Rge 06E B.M.
ELMORE County

Place of Use

IRRIGATION Within ELMORE County

T04S R06E S13	NWNE	39.00	T04S R06E S13	SWNE	37.00
T04S R06E S13	NENW	30.00	T04S R06E S13	NWNW	35.00
T04S R06E S13	SWNW	40.00	T04S R06E S13	SENW	40.00

Total Acres: 221

Place of Use: STOCKWATER same as IRRIGATION

Conditions of Approval:

1. C15 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
2. STOCKWATER, 100 HEAD CATTLE.
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.
4. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
5. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
6. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
7. THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1987 TO 1994.

Decreed Date: 7/7/2000

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

Current Water Right No.: 61-2072

Current Owner: CITY OF MOUNTAIN HOME
Priority Date: 3/13/1931
Origin: Water Right
Status: Active
Basis: Decreed

Source

GROUND WATER

Tributary**Beneficial Use****From To****Diversion Rate****Annual Volume**

MUNICIPAL

01/01 to 12/31

2 CFS

Total Diversion

2 CFS

Location of Point(s) of Diversion

GROUND WATER

SE1/4SW1/4

Sec. 13, Twp 03S, Rge 06E B.M.

ELMORE County

GROUND WATER

NE1/4NE1/4

Sec. 23, Twp 03S, Rge 06E B.M.

ELMORE County

GROUND WATER

NW1/4NW1/4

Sec. 25, Twp 03S, Rge 06E B.M.

ELMORE County

GROUND WATER

SE1/4NE1/4

Sec. 26, Twp 03S, Rge 06E B.M.

ELMORE County

GROUND WATER

SE1/4NE1/4

Sec. 26, Twp 03S, Rge 06E B.M.

ELMORE County

GROUND WATER

SW1/4NE1/4

Sec. 27, Twp 03S, Rge 06E B.M.

ELMORE County

GROUND WATER

SE1/4SE1/4

Sec. 27, Twp 03S, Rge 06E B.M.

ELMORE County

GROUND WATER

NE1/4NW1/4

Sec. 30, Twp 03S, Rge 07E B.M.

ELMORE County

GROUND WATER

NE1/4NW1/4

Sec. 30, Twp 03S, Rge 07E B.M.

ELMORE County

GROUND WATER

NE1/4SE1/4

Sec. 19, Twp 03S, Rge 07E B.M.

ELMORE County

GROUND WATER

L1(NW1/4NW1/4)

Sec. 30, Twp 03S, Rge 07E B.M.

ELMORE County

Place of Use

MUNICIPAL Within ELMORE County

T03S R06E S22	SESE	T03S R06E S23	NENE
T03S R06E S23	SWNE	T03S R06E S23	SENE
T03S R06E S23	SWNW	T03S R06E S23	SENW
T03S R06E S23	NESW	T03S R06E S23	NWSW
T03S R06E S23	SWSW	T03S R06E S23	SESW
T03S R06E S23	NESE	T03S R06E S23	NWSE
T03S R06E S23	SWSE	T03S R06E S23	SESE
T03S R06E S24	NENE	T03S R06E S24	NWNE
T03S R06E S24	SWNE	T03S R06E S24	SENE
T03S R06E S24	NENW	T03S R06E S24	NWNW
T03S R06E S24	SWNW	T03S R06E S24	SENW
T03S R06E S24	NESW	T03S R06E S24	NWSW
T03S R06E S24	SWSW	T03S R06E S24	SESW
T03S R06E S24	NWSE	T03S R06E S24	SWSE
T03S R06E S24	SESE	T03S R06E S25	NENE
T03S R06E S25	NWNE	T03S R06E S25	SWNE
T03S R06E S25	SENE	T03S R06E S25	NENW
T03S R06E S25	NWNW	T03S R06E S25	SWNW
T03S R06E S25	SENW	T03S R06E S25	NESW
T03S R06E S25	NWSW	T03S R06E S25	SWSW
T03S R06E S25	SESW	T03S R06E S25	NESE
T03S R06E S25	NWSE	T03S R06E S25	SWSE
T03S R06E S25	SESE	T03S R06E S26	NENE
T03S R06E S26	NWNE	T03S R06E S26	SWNE
T03S R06E S26	SENE	T03S R06E S26	NENW
T03S R06E S26	NWNW	T03S R06E S26	SESW
T03S R06E S26	NESE	T03S R06E S26	NWSE
T03S R06E S26	SWSE	T03S R06E S26	SESE
T03S R06E S35	NENE	T03S R06E S35	NWNE
T03S R06E S35	SWNE	T03S R06E S35	SENE
T03S R06E S35	SENW	T03S R06E S35	NESE
T03S R06E S35	NWSE	T03S R06E S36	NENE
T03S R06E S36	NWNE	T03S R06E S36	SWNE
T03S R06E S36	NENW	T03S R06E S36	NWNW
T03S R06E S36	SWNW	T03S R06E S36	SENW
T03S R06E S36	NWSW	T03S R07E S19	SWNE
T03S R07E S19	SENE	T03S R07E S19	Lot 4 SWSW
T03S R07E S19	SESW	T03S R07E S19	NESE
T03S R07E S19	NWSE	T03S R07E S19	SWSE
T03S R07E S19	SESE	T03S R07E S30	NWNE
T03S R07E S30	SWNE	T03S R07E S30	NENW
T03S R07E S30	Lot 1 NWNW	T03S R07E S30	Lot 2 SWNW
T03S R07E S30	SENW	T03S R07E S30	NESW
T03S R07E S30	Lot 3 NWSW	T03S R07E S30	Lot 4 SWSW

Conditions of Approval:

1. X36 Rights 61-2167, 61-2210, 61-2170, 61-7184 and 61-7339 are also diverted through the points of diversion described above.
2. 020 The diversion and use of water described in Transfer 72128, and in previous Transfer 69591 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
3. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
4. 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
5. 004 This right does not grant any right-of-way or easement across the land of another.
6. 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.
7. X63 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
8. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
9. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Decreed Date: 4/12/2001

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

Current Water Right No.: 61-2170

Current Owner: CITY OF MOUNTAIN HOME
Priority Date: 5/27/1964
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	1/01 to 12/31	9.64 CFS	
	<u>Total Diversion</u>	9.64 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4	Sec. 13,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NE1/4NE1/4	Sec. 23,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NW1/4NW1/4	Sec. 25,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SE1/4NE1/4	Sec. 26,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SE1/4NE1/4	Sec. 26,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SW1/4NE1/4	Sec. 27,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SE1/4SE1/4	Sec. 27,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NE1/4NW1/4	Sec. 30,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	NE1/4NW1/4	Sec. 30,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	NE1/4SE1/4	Sec. 19,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	L1(NW1/4NW1/4)	Sec. 30,	Twp 03S,	Rge 07E B.M.
ELMORE County				

Place of Use

MUNICIPAL Within ELMORE County

T03S R06E S22	SESE	T03S R06E S23	NENE
T03S R06E S23	SWNE	T03S R06E S23	SENE
T03S R06E S23	SWNW	T03S R06E S23	SENW
T03S R06E S23	NESW	T03S R06E S23	NWSW
T03S R06E S23	SWSW	T03S R06E S23	SESW
T03S R06E S23	NESE	T03S R06E S23	NWSE
T03S R06E S23	SWSE	T03S R06E S23	SESE
T03S R06E S24	NENE	T03S R06E S24	NWNE
T03S R06E S24	SWNE	T03S R06E S24	SENE
T03S R06E S24	NENW	T03S R06E S24	NWNW
T03S R06E S24	SWNW	T03S R06E S24	SENW
T03S R06E S24	NESW	T03S R06E S24	NWSW
T03S R06E S24	SWSW	T03S R06E S24	SESW
T03S R06E S24	NWSE	T03S R06E S24	SWSE
T03S R06E S24	SESE	T03S R06E S25	NENE
T03S R06E S25	NWNE	T03S R06E S25	SWNE
T03S R06E S25	SENE	T03S R06E S25	NENW
T03S R06E S25	NWNW	T03S R06E S25	SWNW
T03S R06E S25	SENW	T03S R06E S25	NESW
T03S R06E S25	NWSW	T03S R06E S25	SWSW
T03S R06E S25	SESW	T03S R06E S25	NESE
T03S R06E S25	NWSE	T03S R06E S25	SWSE
T03S R06E S25	SESE	T03S R06E S26	NENE
T03S R06E S26	NWNE	T03S R06E S26	SWNE
T03S R06E S26	SENE	T03S R06E S26	NENW
T03S R06E S26	NWNW	T03S R06E S26	SESW
T03S R06E S26	NESE	T03S R06E S26	NWSE
T03S R06E S26	SWSE	T03S R06E S26	SESE
T03S R06E S35	NENE	T03S R06E S35	NWNE
T03S R06E S35	SWNE	T03S R06E S35	SENE
T03S R06E S35	SENW	T03S R06E S35	NESE
T03S R06E S35	NWSE	T03S R06E S36	NENE
T03S R06E S36	NWNE	T03S R06E S36	SWNE
T03S R06E S36	NENW	T03S R06E S36	NWNW
T03S R06E S36	SWNW	T03S R06E S36	SENW
T03S R06E S36	NWSW	T03S R07E S19	SWNE
T03S R07E S19	SENE	T03S R07E S19	Lot 4 SWSW
T03S R07E S19	SESW	T03S R07E S19	NESE
T03S R07E S19	NWSE	T03S R07E S19	SWSE
T03S R07E S19	SESE	T03S R07E S30	NWNE
T03S R07E S30	SWNE	T03S R07E S30	NENW
T03S R07E S30	Lot 1 NWNW	T03S R07E S30	Lot 2 SWNW
T03S R07E S30	SENW	T03S R07E S30	NESW
T03S R07E S30	Lot 3 NWSW	T03S R07E S30	Lot 4 SWSW

Conditions of Approval:

1. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
2. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
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. X63 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
5. 020 The diversion and use of water described in Transfer 72128, and in previous Transfer 69591 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
6. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. X36 Rights 61-2167, 61-2210, 61-2072, 61-7184 and 61-7339 are also diverted through the points of diversion described above.
8. 004 This right does not grant any right-of-way or easement across the land of another.
9. 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.

Decreed Date: 4/12/2001

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

Current Water Right No.: 61-7184

Current Owner: CITY OF MOUNTAIN HOME
Priority Date: 4/22/1974
Origin: Water Right
Status: Active
Basis: Decreed

Source

GROUND WATER

Tributary

Beneficial Use

From To

Diversion Rate

Annual Volume

MUNICIPAL

1/01 to 12/31

4.35 CFS

Total Diversion

4.35 CFS

Location of Point(s) of Diversion

GROUND WATER

SE1/4SW1/4

Sec. 13, Twp 03S, Rge 06E B.M.

ELMORE County

GROUND WATER

NE1/4NE1/4

Sec. 23, Twp 03S, Rge 06E B.M.

ELMORE County

GROUND WATER

NW1/4NW1/4

Sec. 25, Twp 03S, Rge 06E B.M.

ELMORE County

GROUND WATER

SE1/4NE1/4

Sec. 26, Twp 03S, Rge 06E B.M.

ELMORE County

GROUND WATER

SE1/4NE1/4

Sec. 26, Twp 03S, Rge 06E B.M.

ELMORE County

GROUND WATER

SW1/4NE1/4

Sec. 27, Twp 03S, Rge 06E B.M.

ELMORE County

GROUND WATER

SE1/4SE1/4

Sec. 27, Twp 03S, Rge 06E B.M.

ELMORE County

GROUND WATER

NE1/4NW1/4

Sec. 30, Twp 03S, Rge 07E B.M.

ELMORE County

GROUND WATER

NE1/4NW1/4

Sec. 30, Twp 03S, Rge 07E B.M.

ELMORE County

GROUND WATER

NE1/4SE1/4

Sec. 19, Twp 03S, Rge 07E B.M.

ELMORE County

GROUND WATER

L1(NW1/4NW1/4)

Sec. 30, Twp 03S, Rge 07E B.M.

ELMORE County

Place of Use

MUNICIPAL Within ELMORE County

T03S R06E S22	SESE	T03S R06E S23	NENE
T03S R06E S23	SWNE	T03S R06E S23	SENE
T03S R06E S23	SWNW	T03S R06E S23	SENW
T03S R06E S23	NESW	T03S R06E S23	NWSW
T03S R06E S23	SWSW	T03S R06E S23	SESW
T03S R06E S23	NESE	T03S R06E S23	NWSE
T03S R06E S23	SWSE	T03S R06E S23	SESE
T03S R06E S24	NENE	T03S R06E S24	NWNE
T03S R06E S24	SWNE	T03S R06E S24	SENE
T03S R06E S24	NENW	T03S R06E S24	NWNW
T03S R06E S24	SWNW	T03S R06E S24	SENW
T03S R06E S24	NESW	T03S R06E S24	NWSW
T03S R06E S24	SWSW	T03S R06E S24	SESW
T03S R06E S24	NWSE	T03S R06E S24	SWSE
T03S R06E S24	SESE	T03S R06E S25	NENE
T03S R06E S25	NWNE	T03S R06E S25	SWNE
T03S R06E S25	SENE	T03S R06E S25	NENW
T03S R06E S25	NWNW	T03S R06E S25	SWNW
T03S R06E S25	SENW	T03S R06E S25	NESW
T03S R06E S25	NWSW	T03S R06E S25	SWSW
T03S R06E S25	SESW	T03S R06E S25	NESE
T03S R06E S25	NWSE	T03S R06E S25	SWSE
T03S R06E S25	SESE	T03S R06E S26	NENE
T03S R06E S26	NWNE	T03S R06E S26	SWNE
T03S R06E S26	SENE	T03S R06E S26	NENW
T03S R06E S26	NWNW	T03S R06E S26	SESW
T03S R06E S26	NESE	T03S R06E S26	NWSE
T03S R06E S26	SWSE	T03S R06E S26	SESE
T03S R06E S35	NENE	T03S R06E S35	NWNE
T03S R06E S35	SWNE	T03S R06E S35	SENE
T03S R06E S35	SENW	T03S R06E S35	NESE
T03S R06E S35	NWSE	T03S R06E S36	NENE
T03S R06E S36	NWNE	T03S R06E S36	SWNE
T03S R06E S36	NENW	T03S R06E S36	NWNW
T03S R06E S36	SWNW	T03S R06E S36	SENW
T03S R06E S36	NWSW	T03S R07E S19	SWNE
T03S R07E S19	SENE	T03S R07E S19	Lot 4 SWSW
T03S R07E S19	SESW	T03S R07E S19	NESE
T03S R07E S19	NWSE	T03S R07E S19	SWSE
T03S R07E S19	SESE	T03S R07E S30	NWNE
T03S R07E S30	SWNE	T03S R07E S30	NENW
T03S R07E S30	Lot 1 NWNW	T03S R07E S30	Lot 2 SWNW
T03S R07E S30	SENW	T03S R07E S30	NESW
T03S R07E S30	Lot 3 NWSW	T03S R07E S30	Lot 4 SWSW

Conditions of Approval:

1. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. 004 This right does not grant any right-of-way or easement across the land of another.
3. 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
4. 020 The diversion and use of water described in Transfer 72128, and in previous Transfer 69591 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
5. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
6. 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.
7. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. X36 Rights 61-2167, 61-2210, 61-2072, 61-2170 and 61-7339 are also diverted through the points of diversion described above.
9. X63 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

Decreed Date: 4/12/2001

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

Current Water Right No.: 61-7339

Current Owner: CITY OF MOUNTAIN HOME
Priority Date: 8/18/1977
Origin: Water Right
Status: Active
Basis: Decreed

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	1/01 to 12/31	4.5 CFS	
	<u>Total Diversion</u>	4.5 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 27,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NE1/4NW1/4	Sec. 30,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	NE1/4NW1/4	Sec. 30,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	SE1/4SW1/4	Sec. 13,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NE1/4NE1/4	Sec. 23,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NW1/4NW1/4	Sec. 25,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SE1/4NE1/4	Sec. 26,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	NE1/4SE1/4	Sec. 19,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	L1(NW1/4NW1/4)	Sec. 30,	Twp 03S,	Rge 07E B.M.
ELMORE County				
GROUND WATER	SE1/4NE1/4	Sec. 26,	Twp 03S,	Rge 06E B.M.
ELMORE County				
GROUND WATER	SW1/4NE1/4	Sec. 27,	Twp 03S,	Rge 06E B.M.
ELMORE County				

Place of Use

MUNICIPAL Within ELMORE County

T03S R06E S22	SESE	T03S R06E S23	NENE
T03S R06E S23	SWNE	T03S R06E S23	SENE
T03S R06E S23	SWNW	T03S R06E S23	SENW
T03S R06E S23	NESW	T03S R06E S23	NWSW
T03S R06E S23	SWSW	T03S R06E S23	SESW
T03S R06E S23	NESE	T03S R06E S23	NWSE
T03S R06E S23	SWSE	T03S R06E S23	SESE
T03S R06E S24	NENE	T03S R06E S24	NWNE
T03S R06E S24	SWNE	T03S R06E S24	SENE
T03S R06E S24	NENW	T03S R06E S24	NWNW
T03S R06E S24	SWNW	T03S R06E S24	SENW
T03S R06E S24	NESW	T03S R06E S24	NWSW
T03S R06E S24	SWSW	T03S R06E S24	SESW
T03S R06E S24	NWSE	T03S R06E S24	SWSE
T03S R06E S24	SESE	T03S R06E S25	NENE
T03S R06E S25	NWNE	T03S R06E S25	SWNE
T03S R06E S25	SENE	T03S R06E S25	NENW
T03S R06E S25	NWNW	T03S R06E S25	SWNW
T03S R06E S25	SENW	T03S R06E S25	NESW
T03S R06E S25	NWSW	T03S R06E S25	SWSW
T03S R06E S25	SESW	T03S R06E S25	NESE
T03S R06E S25	NWSE	T03S R06E S25	SWSE
T03S R06E S25	SESE	T03S R06E S26	NENE
T03S R06E S26	NWNE	T03S R06E S26	SWNE
T03S R06E S26	SENE	T03S R06E S26	NENW
T03S R06E S26	NWNW	T03S R06E S26	SESW
T03S R06E S26	NESE	T03S R06E S26	NWSE
T03S R06E S26	SWSE	T03S R06E S26	SESE
T03S R06E S35	NENE	T03S R06E S35	NWNE
T03S R06E S35	SWNE	T03S R06E S35	SENE
T03S R06E S35	SENW	T03S R06E S35	NESE
T03S R06E S35	NWSE	T03S R06E S36	NENE
T03S R06E S36	NWNE	T03S R06E S36	SWNE
T03S R06E S36	NENW	T03S R06E S36	NWNW
T03S R06E S36	SWNW	T03S R06E S36	SENW
T03S R06E S36	NWSW	T03S R07E S19	SWNE
T03S R07E S19	SENE	T03S R07E S19	Lot 4 SWSW
T03S R07E S19	SESW	T03S R07E S19	NESE
T03S R07E S19	NWSE	T03S R07E S19	SWSE
T03S R07E S19	SESE	T03S R07E S30	NWNE
T03S R07E S30	SWNE	T03S R07E S30	NENW
T03S R07E S30	Lot 1 NWNW	T03S R07E S30	Lot 2 SWNW
T03S R07E S30	SENW	T03S R07E S30	NESW
T03S R07E S30	Lot 3 NWSW	T03S R07E S30	Lot 4 SWSW

Conditions of Approval:

1. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
2. 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.
3. X36 Rights 61-2167, 61-2210, 61-2072, 61-2170 and 61-7184 are also diverted through the points of diversion described above.
4. X63 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
5. 004 This right does not grant any right-of-way or easement across the land of another.
6. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
8. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
9. 020 The diversion and use of water described in Transfer 72128, and in previous Transfer 69591 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.

Decreed Date: 4/12/2001

Transfer contains _____ pages and _____ attachments.

Received by RS Date 8-1-12 Prelim. Check by AG Date 2/1/2013

Fee Paid 2740.00 Date 8-1-12 Received by RS Receipt # W0404143

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

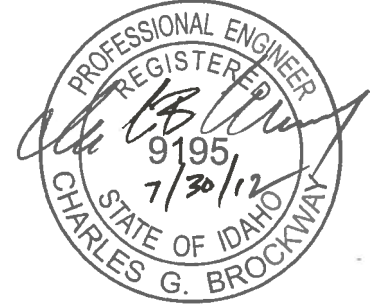
RECEIVED

AUG 01 2012

WATER RESOURCES
WESTERN REGION

Narrative in Support of Transfer Application City of Mountain Home, Idaho

Brockway Engineering, PLLC
July 30, 2012



1. Overview

The City of Mountain Home owns and operates a water supply and water distribution system for the benefit of the residents of the City. At present, eight (8) groundwater wells are online as active sources for the system. The distribution system currently serves a population of approximately 16,000 with potable and irrigation water for residential, commercial, and industrial purposes. In addition, the City provides irrigation water to large non-residential parcels comprised of parks operated by the City, and lands owned and maintained by the Mountain Home School District.

The City has experienced considerable growth over the past decade and continued growth is projected along with commensurate increases in water demand. Keller Associates completed a water facilities planning study in 2010, in which growth projections and water demand projections are outlined. Table 1 shows current and projected population, average water demand, maximum day water demand, and peak hourly water demand based on the Keller study. It should be noted that growth has not followed the projected 3.5% rate since 2010 due to the broad financial downturn, and will likely not return to this level for several years. However, for the purposes of water demand prediction, these values are believed to be conservative.

Table 1. Projections of population and water demand based on steady growth at 3.5% per year. Water demands are shown in gpm and (cfs).

Year	Total Population	Average Day Demand	Maximum Day Demand	Peak Hour Demand
2011	15,630	3192 (7.11)	8546 (19.04)	15327 (34.15)
2012	16,180	3302 (7.36)	8841 (19.70)	15855 (35.33)
2013	16,750	3416 (7.61)	9146 (20.38)	16402 (36.55)
2014	17,340	3534 (7.87)	9461 (21.08)	16968 (37.81)
2015	17,950	3656 (8.15)	9788 (21.81)	17554 (39.11)
2020	21,320	4329 (9.65)	11592 (25.83)	20789 (46.32)
2025	25,320	5129 (11.43)	13733 (30.60)	24628 (54.88)
2030	30,070	6079 (13.55)	16275 (36.26)	29188 (65.04)

The City owns four water rights for municipal purposes and two for irrigation purposes. All rights are appurtenant to 11 authorized points of diversion, representing the eight

active and three future groundwater sources in the City system. Water rights currently held by the City for municipal and irrigation purposes are outlined in Table 2, and points of diversion are illustrated on Figure 1.

Table 2. Portfolio of existing water rights.

Right No.	Priority Date	Diversion Rate (cfs)	Use	Acres	POD
61-2072	3/13/1931	2.00	Municipal		11 city wells
61-2167	4/6/1964	1.97	Irrigation	157	11 city wells
61-2210	9/30/1966	5.35	Irrigation	293	11 city wells
67-2170	5/27/1964	9.64	Municipal		11 city wells
61-7184	4/22/1974	4.35	Municipal		11 city wells
61-7339	8/18/1977	4.50	Municipal		11 city wells
Total authorized diversion rate - city wells with irrigation				27.81	cfs

The maximum day demand can be supplied under current water rights, but there is insufficient diversion rate authorization to meet the peak hourly demand. The maximum daily demand is projected to exceed the water right authorization sometime between 2020 and 2025. At a minimum, the total diversion rate authorization must equal or exceed the maximum day demand, with the peak hourly being supplied from equalization storage. However, the current effective volume of system storage requires that a rate greater than the maximum day demand be supplied by the wells. Therefore, the City's need for additional diversion rate authority is imminent. The City is evaluating additional options for increasing system storage; more details regarding supply and demand patterns and storage evaluation can be found in the planning study by Keller Associates.

a. Purposes of Transfer

To meet the current and future water requirements as described above, the City proposes to transfer additional irrigation rights into the City system for use within the service area. These rights include two rights owned by the City and two rights recently purchased. In addition, the transfer would add points of diversion to cover all existing points of diversion plus seven (7) additional future well sites, for a total of 20 authorized points of diversion on all rights. Finally, the transfer would modify the service area to bring it in line with the current physical service area, which would include the area within the City limits, plus additional area to the south to encompass the treatment lagoons and two wells known as the farm wells (Figure 1).

b. City-owned irrigation rights to be transferred

Water rights 61-7439 and 61-7172F are appurtenant to agricultural land south of the City, on which the City's wastewater is disposed. Each right is appurtenant to one of the wells known as the farm wells (Figure 1). The City owns this land and leases the farming rights to a local grower. The farm operation is similar to a traditional commercial farm; however, the primary water supply is effluent from the City's treatment lagoons located just north of the farm. The volume of effluent is sufficient to provide nearly all the water requirement of the crop, and thus the groundwater wells are only sparingly used. This situation is expected to continue, with greater effluent volumes becoming available as the City grows. Although not fully used at present, the groundwater rights are protected from forfeiture under the provisions of I.C. 42-223(2) and (3).

c. Purchased irrigation rights to be transferred

The City has entered into an agreement to purchase water rights 61-2188 and 61-7151 from Jay Brown and Christine Hopson-Brown. These rights are appurtenant to agricultural land situated approximately seven miles south of the City near the Mountain Home Air Force Base (see Figure 2). As decreed, the rights allow irrigation of 287.0 acres and a diversion rate of 3.28 cfs. 53.8 acres of the rights have been contested, and the City has agreed at this time to purchase only the uncontested portion, or 233.2 acres and 2.66 cfs. All of the uncontested portion would be transferred into the City system and made appurtenant to all points of diversion. The combined diversion rate under the two rights would be 2.66 cfs, and this limit would be carried over as a limitation on these two rights within the City's water right portfolio. Irrigation of 233.2 acres would be permanently retired at the current place of use.

d. Rights after transfer

If the transfer were approved as proposed, the City would own four municipal rights and six irrigation rights. Table 3 illustrates the water right portfolio after the transfer. The authorized diversion rate would increase to 36.42 cfs or 16,345 gpm, which would meet the projected maximum day demand through the year 2030 (Table 1).

Table 3. Portfolio of water rights after the transfer.

Right No.	Priority Date	Diversion Rate (cfs)		Use	Acres	POD
61-2188	2/17/1966	2.66	Limited to 2.66 cfs	Irrigation	133.2	20 wells
61-7151	4/9/1973	1.14		Irrigation	100.0	20 wells
61-2167	4/6/1964	1.97		Irrigation	157.0	20 wells
61-2210	9/30/1966	5.35		Irrigation	293.0	20 wells
61-7439	6/10/1981	3.14		Irrigation	157.0	20 wells
61-7172F	11/19/1973	2.81		Irrigation	221.0	20 wells
61-2072	3/13/1931	2.00		Municipal		20 wells
67-2170	5/27/1964	9.64		Municipal		20 wells
61-7184	4/22/1974	4.35		Municipal		20 wells
61-7339	8/18/1977	4.50		Municipal		20 wells
Total authorized diversion rate - city wells with irrigation					36.42	cfs
Total authorized acres under irrigation rights					1061.2	acres

2. Irrigated area within the service area

The proposed transfer would move water rights into the City system as irrigation rights, rather than converting them to municipal usage. Therefore, it is necessary to confirm that sufficient physical irrigated area exists or is likely to exist in the near future that can be covered by the irrigation rights.

An analysis was made in October 2005 for the previous water right transfer using the 2004 aerial photo as a baseline. This analysis was reported to IDWR by letter dated November 30, 2005. In this study, the City was segregated into four types of parcels: old residential lots (25' x 100' typical), average residential lots (75' x 115' typical), large lots (140' x 140'), and non-residential large parcels. The large parcels included parks, school fields, and similar areas. Areas for these parcels were computed individually for each area. For the residential lots, an irrigated area was delineated for a representative lot of each category within each 40-acre tract, and this area was applied to the number of lots in that tract. From this analysis it was estimated that the total irrigation within the service area in 2004 was 712 acres and the near-future irrigation with build-out of unimproved but platted lots was 792 acres.

Significant growth has occurred within the City since 2004, necessitating an update to the irrigated area analysis. Because of the extensive effort required to delineate areas for each category in each 40-acre tract using a current aerial photo, an estimate was made of current irrigation using the number of building permits granted by the City since 2004. According to City records, 863 building permits were issued from 2004 through the first half of 2012 (the 2004 aerial photo was taken in the summer of 2004, therefore 50% of the 2004 building permit tally was used). From the 2004 analysis, the average irrigation per residential lot, after subtracting large-parcel irrigation, was 0.118 acres. Applying this value to 863 lot yields an estimated 102 additional acres of residential irrigation. No additional large parcels have begun to be irrigated since 2004. The total current irrigation is therefore estimated to be $712 + 102 = 814$ acres within the current service area. The proposed new service area will also encompass the wastewater land application site on which 378 acres are irrigated, making the total irrigated area equal to $814 + 378 = 1192$ acres. This is more than the 1061.2 acres that would be authorized under the irrigation rights if the transfer were approved. The remaining acres and any future additions of residential irrigation would be covered under the umbrella of municipal uses allowed by the municipal water rights.

3. Evaluation of Hydrologic Impact

a. Hydrogeologic setting

Both the City's wells and the Brown wells draw water from the regional Mountain Home aquifer. Considerable investigation has been made of the geologic and hydrogeologic characteristics of the Mountain Home area, the primary studies being Ralston et al. (1968), Young (1976), Norton et al. (1982), Bendixsen (1994), Brockway (2003), Brockway (2006), and Brockway (2011).

The two major geologic units in the immediate vicinity include quaternary-age alluvium and terrace gravels, underlain by basalts of the Bruneau formation. Alluvial composition generally consists of inhomogeneous, unconsolidated sand, gravel, and finer-grained material such as silt and clay. Basalt formations exhibit characteristics typical of volcanic depositions in the area, with some zones of hard, unfractured basalt and some zones of fractured basalt and possibly cinders. Underlying the Bruneau formation basalt are additional older strata of alluvium. This basement formation has seldom been developed for either irrigation or municipal use in the vicinity of the City. None of the active City wells draw from this formation to any appreciable extent.

Previous investigations have confirmed the presence of both a perched aquifer system and a regional aquifer system. The perched aquifer exists both within the quaternary alluvium and within upper portions of the Bruneau formation (Norton, 1982). The aquifer varies in thickness, and covers an area of approximately 38,000 acres. Young (1977) estimated the extent of the perched system and subsequent investigators have generally adopted Young's delineation of the aquifer limits. Depths to water in the perched system range from 10 to 200 feet.

The regional aquifer system is present wholly within the Bruneau formation and exists at levels well below the perched system. Depth to water in the regional system is typically 280 to 450 feet. The perched system is of limited extent and groundwater discharges to the regional system at its edges.

Based on drilling records for the City's current wells, all water is drawn from the regional system. The Brown well, similarly, is drilled to a depth of 543 feet and draws from the regional system. No perched system is evident at the Brown well location. Therefore, the perched system is not expected to be impacted either positively or negatively, and only the regional aquifer was considered in this analysis.

b. Groundwater Modeling

An analytical groundwater model was developed by Brockway Engineering in conjunction with previous transfer proceedings in 2005 and 2006 for the City of Mountain Home. This model was constructed using the WinFlow graphical interface and included all City wells in use at the time. Details regarding this model are provided in Brockway (2006), a copy of which is in the Department's files. A brief overview of the model is provided herein.

Aquifer hydraulic conductivity was estimated from pumping test information reported by well drillers for large wells within approximately 5 miles of the City. Wells used for the analysis were limited to those in which the yield was at least 300 gpm and the information reported by the driller was deemed to be reliable and could be unambiguously interpreted. Most of these wells are irrigation wells drilled in the 1960s and 1970s, located primarily south of the City. Detailed pumping test data is also available for the City's Well #15, completed and tested in 2010. The wells utilized for the hydraulic conductivity estimation are shown on Figure 3.

The analysis approach developed by Bradbury and Rothschild (1985) to estimate hydraulic conductivity from a single specific capacity point was utilized. This method is essentially the Theis method with a correction for partial penetration. Experience has shown that in many instances partial penetration of the aquifer can significantly affect the yield-drawdown characteristics of the well, and correcting for it improves both the accuracy and consistency of hydraulic conductivity estimates.

The data and results of these calculations are shown on Table 4. Excluding the high and low estimates the hydraulic conductivity ranges from 2.2 ft/day to 113 ft/day. The average is 32.3 ft/day and this was assumed to be a representative uniform value for the aquifer.

For the Winflow model, the aquifer was assumed to have a depth of 1000 feet. Storativity was assumed to be 0.15, a typical value for unconfined aquifers. The model was programmed to model both steady-state conditions based on average annual stresses

on the aquifer, and transient conditions with a one-month time step for aquifer stresses and a 20-year run time.

Both the cessation of depletion at the Brown property and the increased pumping from the City wells were included in the model in order to simulate the combined effect. Only the incremental increase or decrease from the water right transfer was programmed. Other impacts may occur in the future from City well pumping, but these are authorized under existing rights. Only the change in aquifer water level caused by the proposed transfer was modeled.

c. Depletion reduction at Brown

A monthly analysis of irrigation water requirements was completed to determine the net reduction in aquifer depletion at the Brown property. Detailed calculations are shown on Table 5. Precipitation deficit data from Allen & Robison (2009) was utilized, assuming a crop of “Alfalfa – less frequent cuttings.” The site is approximately halfway between the Grandview and Mountain Home 1W sites, so the average of these two stations was used. The total required annual diversion is 958 ac-ft and the annual net depletion was determined to be 675 acre-feet with the monthly distribution as shown. On an annual average basis, this is equivalent to a cessation of 418 gpm of pumping.

For the steady-state model, the average annual depletion reduction was programmed. For the transient model, monthly depletion reduction was programmed and repeated indefinitely each year.

d. Pumping from city wells and recharge within the city

The Brown rights will be transferred to the City system as irrigation rights as described above, and will be utilized from any or all wells within the system. They will not be allowed to be pumped outside of the irrigation season. The pump-out will also be limited by the diversion rate of 2.66 cfs (1194 gpm) and the annual volume of 993.7 acre-feet. Irrigation authorization from the Brown rights will essentially replace some of the irrigation now occurring from the municipal rights and therefore the use will not be treated as fully consumptive but some amount of water will return to the aquifer as recharge.

The utilization of the Brown rights was modeled by assuming a diversion from the City wells equal to the actual required diversion shown on Table 5; on an annual basis the diversion is close to, but does not exceed, the water right limit. Return to the aquifer (irrigation recharge) was then assumed to be distributed uniformly over the entire City area. Since the water will not be diverted from any specific wells, two scenarios were modeled:

1. Diversion split evenly between 7 potential wells situated around the perimeter of the City.
2. Diversion split evenly between the two southernmost potential wells (Smith & Bruneau and New Shop). This scenario is intended to reflect a worst-case situation which would result in the maximum drawdown south of the City where the potential for impact on domestic and irrigation wells is highest.

For the steady-state model, average annual withdrawals and recharge were programmed. For the transient model, monthly values were programmed and repeated indefinitely each year.

e. Model results

The simulated steady-state drawdown due to the proposed transfer is illustrated on Figures 4 and 5. In Figure 4, the withdrawal is distributed uniformly amongst all wells. Computed drawdown around the perimeter of the City is approximately 0.8 feet. In Figure 5, withdrawal is concentrated in the two southernmost wells. Computed drawdown is approximately 1.5 feet in the immediate vicinity of these wells and less than 1.0 foot outside the City limits.

The transient impact of the proposed transfer is illustrated on Figure 6, in which the time-varying pattern of drawdown is shown at a point at the intersection of Smith and S. 5th W. which is about halfway between the two southernmost wells. The seasonal pattern caused by the pumping is evident. Maximum drawdown occurs in October or November as a result of the pumping during the irrigation season. Minimum drawdown occurs in April or May, just prior to the irrigation season. 85% of the maximum 20-year impact is realized after 5 years, and 93% is realized after 20 years.

Table 4. Transmissivity Estimation with Partial Penetration

Bradbury and Rolfschild (1985) specific capacity method.
 Suitable for situations where a single time and drawdown measurement is available.
 Includes effects of partial penetration using Stenberg (1973) approach.
 Enter data in blue, pay attention to units. Vary "Trial T" until equal to "Calc T".

Well No.	Name	Location*	Pumping Rate [gpm]	Drawdown [ft]	Time [min]	Well radius [in]	Storativity	SWL [ft]	Aquifer bottom [ft]	Avg open interval [ft]	Average aquifer thickness [ft]	Specific capacity	L/b	G	sp	Trial T (vary) [ft ² /d]	Calc T [ft ² /d]	Calc K [ft/d]	In K
1	LCSC Ent.	4S6E24NESE	2600	78	420	10	0.15	416	800	260	345	33.3	0.75	1.90	1.35	6899.0	6899.6	20.0	3.00
2	Olson, C.	4S7E20NESW	1700	62	480	10	0.15	388	800	115	381	27.4	0.30	1.64	10.37	13483.0	13483.3	35.4	3.57
3	Chenery	4S6E24SWSW	2800	20	720	8	0.15	365	800	400	425	140.0	0.94	2.26	0.26	29241.0	29241.3	68.8	4.23
4	Galey	4S7E07NESE	586	82	240	6	0.15	308	800	153	451	7.1	0.34	1.59	10.17	3367.0	3367.3	7.5	2.01
5	Spencer 67	4S6E25SWNW	2690	80	2400	8	0.15	355	800	40	405	33.6	0.10	2.33	37.24	45976.0	45975.7	113.5	4.73
6	Spencer 70	4S6E25SESE	2630	53	360	8	0.15	353	800	380	420.5	49.6	0.90	2.19	0.45	9254.0	9253.5	22.0	3.09
7	Hilliard	4S6E26WNWE	2300	67	1860	10	0.15	383	800	140	383.5	34.3	0.37	1.56	7.95	15181.0	15180.5	39.6	3.68
8	Leydet	4S6E13WNWE	2700	40	120	8	0.15	328	800	88	452	67.5	0.19	1.91	19.05	51689.0	51688.7	114.4	4.74
9	Corder	4S6E13NESE	1600	88	11	6	0.15	336	800	409	420	18.2	0.97	2.32	0.12	1960.0	1960.4	4.7	1.54
10	Mtn Home #8	3S6E25SWNW	1840	65	480	16	0.15	395	800	69	372.5	28.3	0.19	1.95	16.21	18775.0	18775.6	50.4	3.92
11	Mtn Home #13	3S6E27SWNE	2200	10	360	20	0.15	445	850	405	400	220.0	1.01	2.38	-0.04	36124.0	36123.8	90.3	4.50
12	Mtn Home #15	3S6E25SWNW	1500	61.75	277	16	0.15	489.7	800	279	279.4	24.3	1.00	2.35	0.00	3185.0	3185.4	11.4	2.43
13	Hofer	4S6E12SWNE	2000	35	240	12	0.15	328	800	151	454.5	57.1	0.33	1.59	9.10	25613.0	25613.3	56.4	4.03
14	Ferbrache	4S6E13NESE	1000	23	180	16	0.15	323	800	136	465.5	43.5	0.29	1.66	10.17	20188.0	20187.6	43.4	3.77
15	Squaw Creek	4S6E35SENE	1450	100	1740	16	0.15	398	800	260	352	14.5	0.74	1.87	1.31	2867.0	2866.7	8.1	2.10
16	Hennis	4S6E35NESE	1100	62	1440	16	0.15	358	800	140	411	17.7	0.34	1.58	8.03	7364.0	7364.2	17.9	2.89
17	Olson-south	4S7E29SWNW	1438	52	480	16	0.15	368	800	60	406	27.7	0.15	2.09	20.90	22388.0	22388.1	55.1	4.01
18	Church of Naz	3S7E31SWNW	300	10	480	8	0.15	355	800	254	440	30.0	0.58	1.61	3.57	8558.0	8558.1	19.5	2.97
19	Lawson	3S6E26NWWSW	1300	35	180	12	0.15	18	800	788	764.5	37.1	1.03	2.40	-0.13	5068.0	5068.0	6.6	1.89
20	Post	4S5E36NWSE	1000	72	360	16	0.15	428	800	171	336	13.9	0.51	1.55	3.84	3531.0	3531.3	10.5	2.35
21	Brown, B	4S6E18SESE	1140	50	960	20	0.15	420	800	220	355	22.8	0.62	1.67	2.27	5006.0	5005.8	14.1	2.65
22	Smith, A	4S6E19SWNW	2300	33	300	15	0.15	377	800	217	406.5	69.7	0.53	1.57	3.68	19129.0	19129.4	47.1	3.85
23	Mtn Home #12	3S6E13NESE	2000	325	1170	18	0.15	53.5	800	369	584	6.2	0.63	1.69	2.49	1306.0	1305.7	2.2	0.80
24	Mtn Home #14	3S7E19NESE	1400	121.5	65	16	0.15	198.5	800	432	540.8	11.5	0.80	1.99	1.01	1475.0	1474.6	2.7	1.00
25	Aguirre	3S6E10SWNE	540	204	360	16	0.15	87	800	433	611	2.6	0.71	1.82	1.77	419.0	418.9	0.7	-0.38
26	Ivey	3S7E18NWWSW	320	40	240	8	0.15	34	800	344	746	8.0	0.46	1.53	6.42	2756.0	2755.6	3.7	1.31
27	Leydet-north	3S6E10NWSE	1700	180	240	12	0.15	40	800	260	670	9.4	0.39	1.54	7.83	3583.0	3582.7	5.3	1.68
28	Idaho Power	3S6E10SWNW	275	27	360	4	0.15	158	800	296.5	628.5	10.2	0.47	1.53	6.73	3941.0	3941.3	6.3	1.84

* From drilling records, corrected if needed based on water right records and/or aerial photo evidence.

Mean	17628.7	32.3	2.8
Median	13483.3	19.5	3.0
Max	45975.7	114.4	4.7
Min	3367.3	0.7	-0.4
Std dev	15001.2	33.2	1.3

Excluding wells north of I-84:

Mean	18640.6	38.9	3.3
Median	18775.6	28.7	3.3
Max	51688.7	114.4	4.7
Min	1960.4	4.7	1.5
Std dev	17109.7	33.4	1.0

Table 5. Brown well monthly and average withdrawals and returns

CGB 6/27/2012

Irrig efficiency 0.75
Acres 233

Blue = limited by water right

Month	Days	Pdef* mm/d	inches	Required Application inches	ac-ft	Actual diversion gpm	ac-ft	cfs	inches	Recharge gpm	ac-ft	Net depletion gpm	ac-ft
April	30	3.18	3.75	5.00	97.2	733	97.2	1.63	1.25	183	24.3	550	72.9
May	31	5.09	6.21	8.28	161.0	1175	161.0	2.62	2.07	294	40.2	881	120.7
June	30	4.83	5.70	7.61	147.8	1115	147.8	2.48	1.90	279	37.0	836	110.9
July	31	6.56	8.01	10.68	207.5	1194	163.6	2.66	2.67	379	51.9	815	111.7
August	31	5.76	7.03	9.37	182.2	1330	182.2	2.96	2.34	332	45.5	997	136.6
September	30	3.21	3.79	5.05	98.1	740	98.1	1.65	1.26	185	24.5	555	73.6
October	31	2.04	2.49	3.32	64.5	471	64.5	1.05	0.83	118	16.1	353	48.4
Totals			36.98	49.30	958.15		914.30		12.33		239.54		674.76

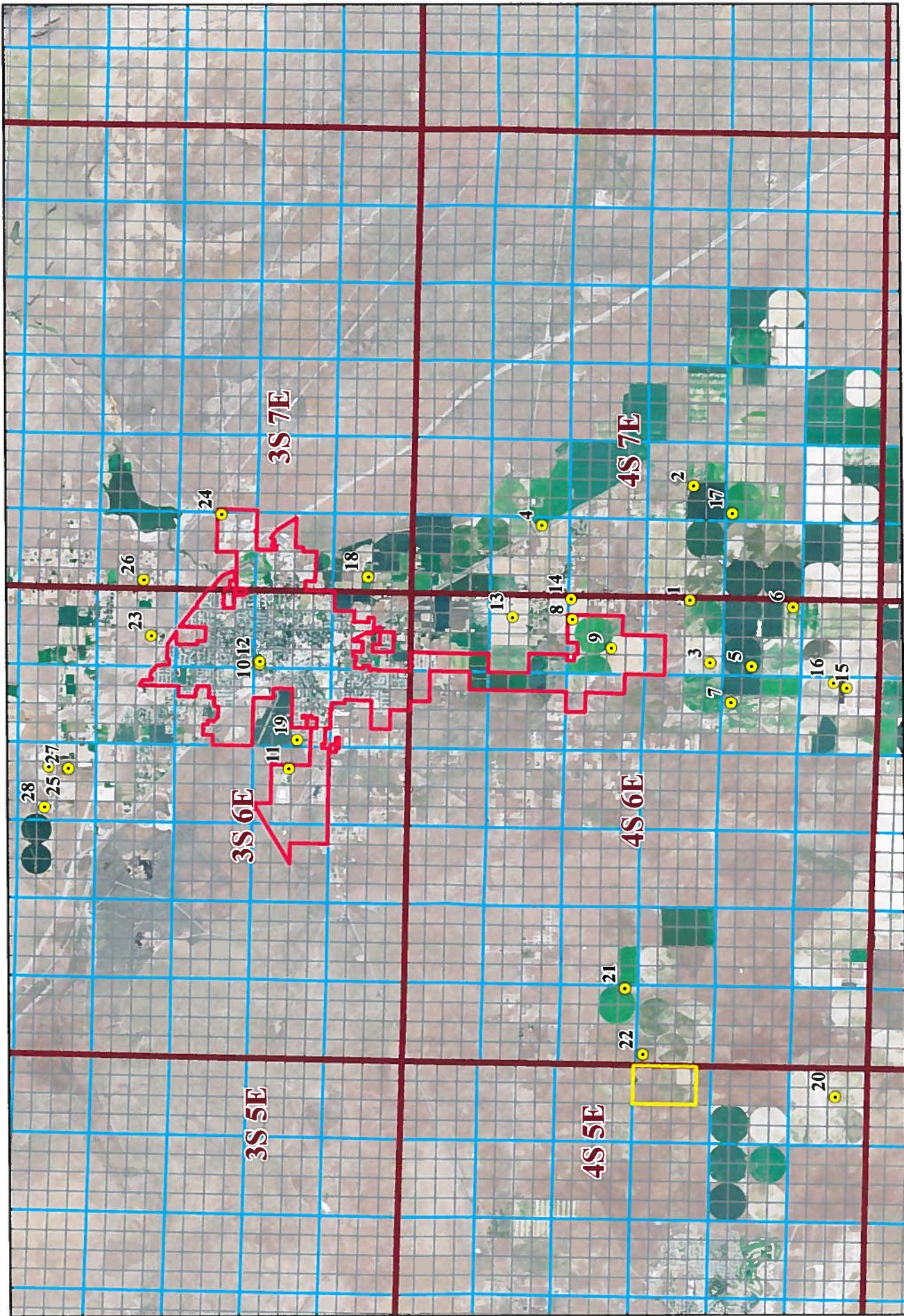
* ET Idaho, Average of Mountain Home 1W and Grandview Agrimet stations, Alfalfa - less frequent cuttings

Annual total diversion 914.30 ac-ft
Annual average 567 gpm 965

Water right allowed volume 993.7 ac-ft
Annual average 616 gpm

Annual total recharge 12.33 inches 239.54 ac-ft
Annual average 0.03377 in/day 148 gpm

Annual total net depletion 674.76 ac-ft
Annual average 418 gpm



0 0.5 1 2 Miles

CITY OF MOUNTAIN HOME
WELLS USED FOR HYDRAULIC CONDUCTIVITY EST.
NAIP 2011 AERIAL PHOTO

Legend

- WELLS USED
- From_WR_POU
- Proposed_Place_of_Use
- township
- Sections
- ladesc



Figure 4. Predicted Long-Term Drawdown from Proposed Transfer

Average Annual Diversion Rate Distributed Uniformly Amongst New Wells

Steady-State Conditions

Site Designator	City of Mountain Home
Test Designator	Scenario 1
Hydraulic Conductivity	32.3 ft/d
Storage Coefficient	0.15

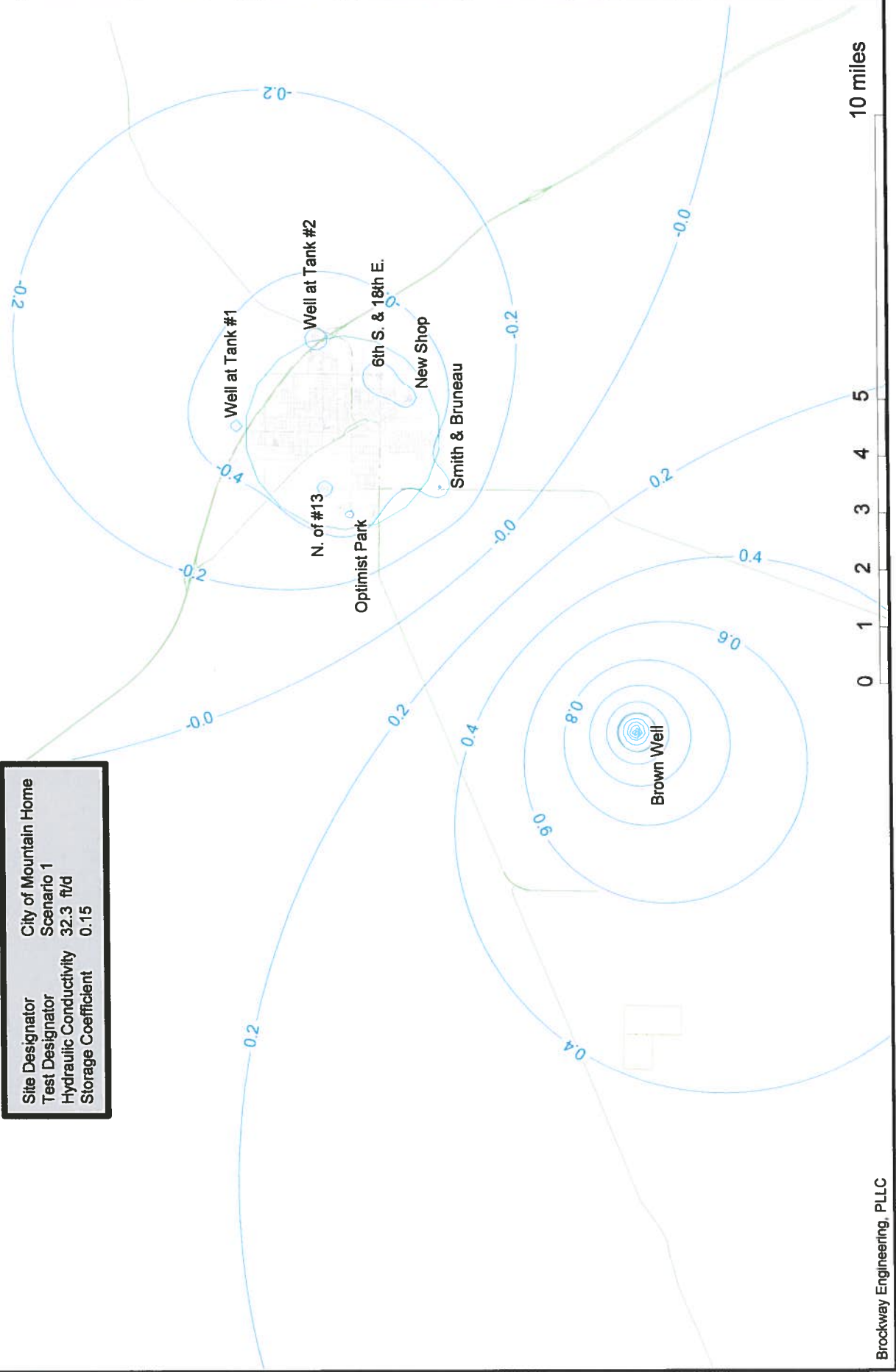
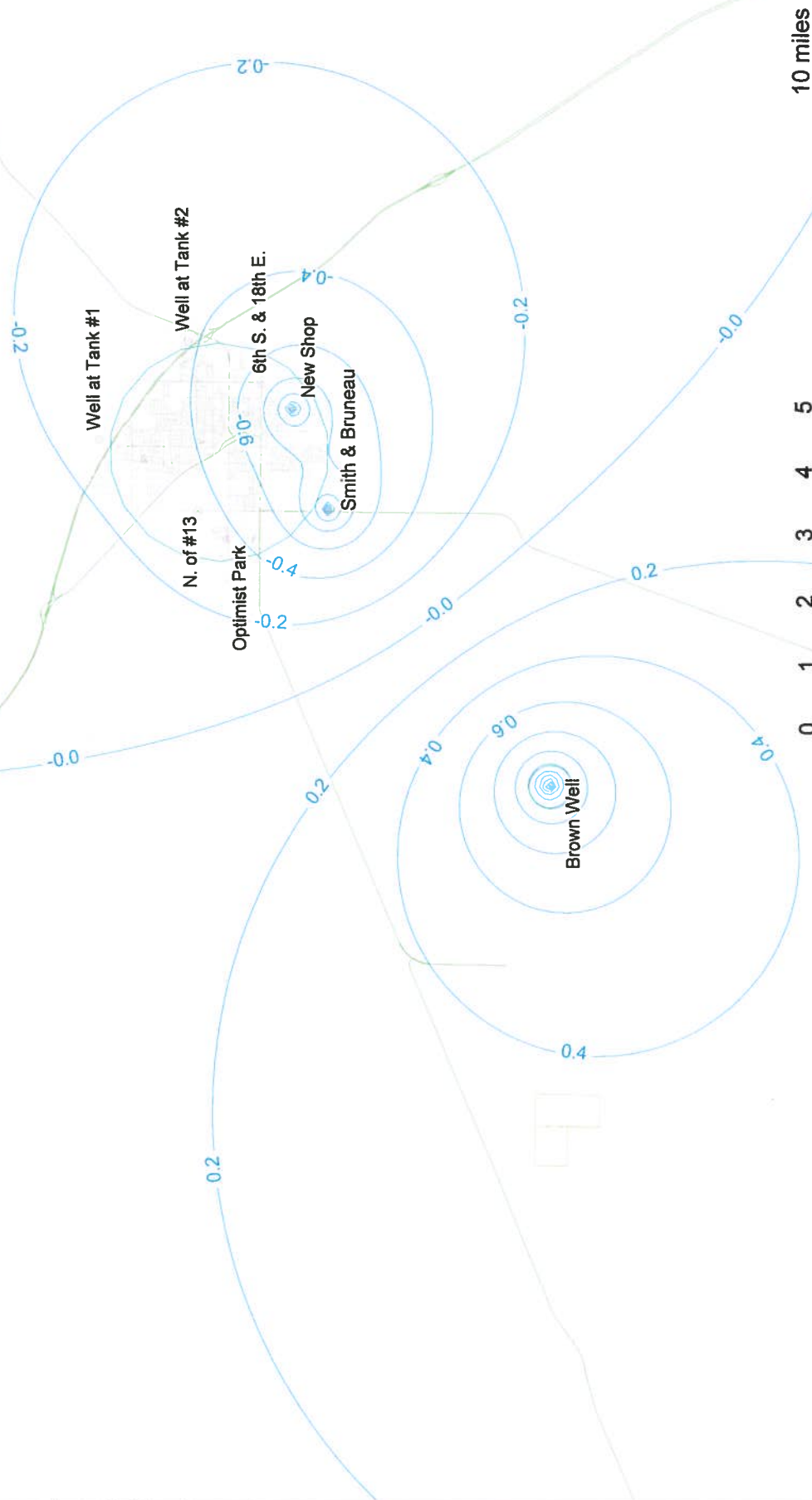


Figure 5. Predicted Long-Term Net Water Level Change with Proposed Transfer

Average Annual Diversion Rate Concentrated at Two Southern-most New Wells

Steady-State Conditions

Site Designer	City of Mountain Home
Test Designer	Scenario 2
Hydraulic Conductivity	32.3 ft/d
Storage Coefficient	0.15



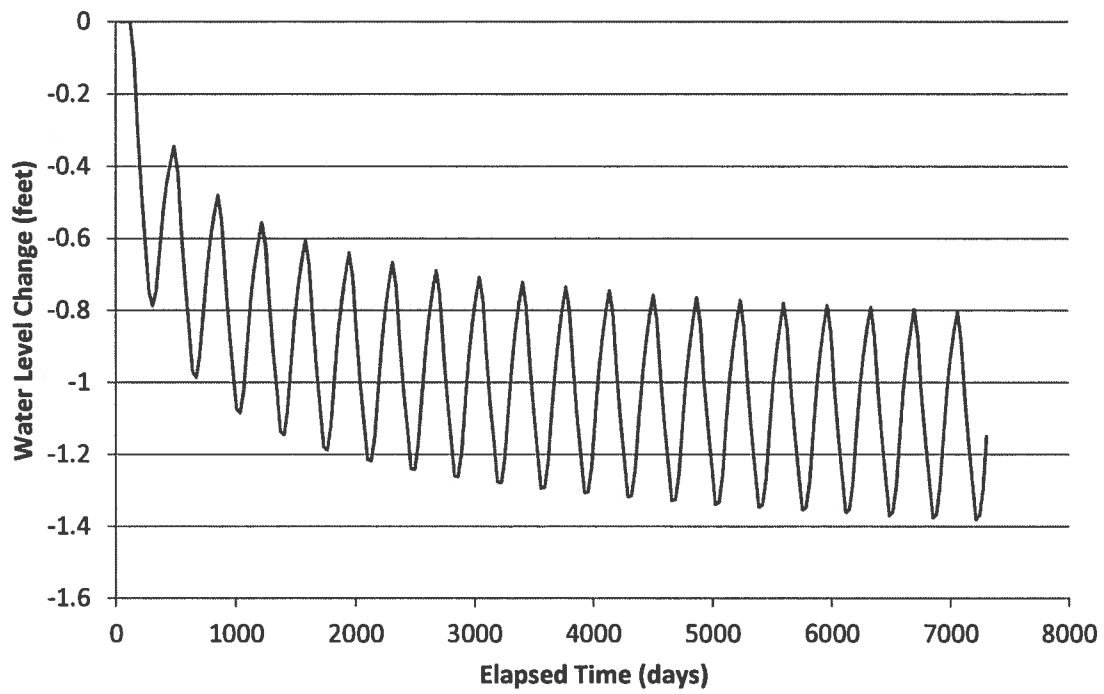


Figure 6. Transient water level pattern at Smith Rd. & S. 5th W.

AUG 01 2012

#1180

WATER RESOURCES
WESTERN REGION**AGREEMENT FOR SALE OF WATER RIGHTS**

This AGREEMENT FOR SALE OF WATER RIGHTS ("Agreement" or "Contract") is entered into effective this 23rd day of May, 2012, (the "Effective Date"), by and between Jay B. Brown and Christine M. Hopson-Brown, husband and wife, of 6379 SW Division Road, Mountain Home, Idaho 83647, hereinafter designated in the singular and by masculine gender as the "Seller", and the City of Mountain Home, Idaho, a municipal corporation of the County of Elmore, State of Idaho, of P. O. Box 10, Mountain Home, Idaho 83647, hereinafter designated as the "Buyer".

RECITALS

(a) Seller owns Idaho Water Rights Nos. 61-7151 and 61-2188 containing a total of 287.0 acres (the "Water Rights"), approximately 53.8 acres of which have been contested. Copies of the Decrees for the Water Rights are attached hereto as Exhibit A and by this reference made a part hereof.

(b) Seller desires to sell and Buyer desires to purchase the 233.2 acres of uncontested Water Rights on the terms and conditions hereinafter set forth in this Agreement.

IN CONSIDERATION OF the sum of [REDACTED], hereinafter designated as the "Initial Payment", and in consideration of the mutual promises and covenants herein contained, the Seller promises and agrees to sell the 233.2 acres of Water Rights to the Buyer and the Buyer promises and agrees to purchase the Water Rights from the Seller pursuant to the terms and conditions contained herein.

1. PURCHASE PRICE. The total purchase price for the 233.2 acres of Water Rights shall be [REDACTED] ("Purchase Price") payable by Buyer to Seller at the times and in the amounts as follows:

(a) The sum of [REDACTED] at the time of the execution of this agreement as the "Initial Payment", the receipt of which is hereby acknowledged by Seller.

(b) The sum of [REDACTED] on or before sixty (60) days after the approval of the transfer of the Water Rights from the Seller to the Buyer (the "Transfer") by the Idaho Department of Water Resources (the "Department"), and the like sum of [REDACTED] one (1) year and sixty (60) days after the approval of the Transfer by the Department, and the balance of the purchase price, plus all accrued interest, shall be paid in full two (2) years and sixty (60) days after the approval of the Transfer by the Department, (the "Installment Payments"), for the initial Contract Term and renewal Contract Terms subject to the provisions for appropriation and renewal as provided in Subsection (e) below. "Contract Term" means the period beginning on the date of this contract and ending on the 30th day of September, 2012, subject to renewal as provided in Subsection (e) for the following Fiscal Year of Buyer, said Contract Term being subject to renewal annually at the option of Buyer until all Installment Payments have been paid in full. No Contract Term shall

exceed one Fiscal Year of the Buyer in length. If the Buyer prepays this Contract in full, the Contract Term will expire upon such prepayment.

(c) The deferred balance of said purchase price shall bear interest from the date which is thirty (30) days following the date of the approval of the Transfer by the Department until the purchase price has been paid in full at the rate of five percent (5.0%) per annum. Each Installment Payment shall first be applied to pay the interest then accrued and unpaid to the date of such payment and the balance of each Installment Payment shall be applied upon the principal sum to be paid to the Seller hereunder.

(d) The Buyer may at its option pay all or any part of said purchase price on or before the due date thereof, without penalty, and interest shall be charged only upon the principal balance remaining from time to time unpaid.

(e) The Buyer, by entering into this Contract, acknowledges its current intention to make all Installment Payments due hereunder on the dates such Installment Payments are due (but does not commit to a legal or other obligation to make such payments or to incur any liability beyond its then current Fiscal Year). In the event that by September 30 of its then current Fiscal Year, the Buyer's City Council fails to include in its proposed budget or related documents for the ensuing Fiscal Year or fails to appropriate sufficient funds to fully fund all of Buyer's obligations to make Installment Payments hereunder for any future Fiscal Year, or otherwise chooses not to renew the Contract Term of this Contract for an additional Fiscal Year, then the Buyer will immediately notify the Seller or its assignee of such occurrence and the Buyer shall transfer the Water Rights back to Seller, free and clear of any interest Buyer has in said Water Rights, which interest shall terminate as of September 30 of the Fiscal Year in which the failure to appropriate occurs. Such an event shall be defined as an "Event of Non Appropriation" hereunder. In such case, the obligations of the Buyer and remedies of Seller shall be limited as provided in Section 11 hereof. In the event that the Buyer's City Council does appropriate and budget funds sufficient to make the Installment Payments for a Fiscal Year then the Contract Term of this Contract shall be deemed renewed for such Fiscal Year.

The Buyer agrees during the current Fiscal Year and during each Fiscal Year that the Contract Term of this Contract is renewed (i) that the City Council of the Buyer shall, for the ensuing Fiscal Year in which the Installment Payments are scheduled to be made, consider a budget request and appropriation of the expenditure of an amount sufficient to allow Buyer to make all Installment Payments due in such Fiscal Year; (ii) that, to the extent funds have been appropriated for the current Fiscal Year, it will make all such Installment Payments; and (iii) that if sufficient funds are appropriated and budgeted by it for the next Fiscal Year then the Contract Term of this Contract shall be deemed renewed for such Fiscal Year and shall be effective for such Fiscal Year.

Except as otherwise provided herein, nothing in this Subsection or elsewhere in this Contract shall be deemed in any way to obligate the Buyer beyond its current Fiscal Year. If the Buyer fails or refuses to renew the Contract Term of this Contract for the next Fiscal Year as permitted above, makes any payment due for the then current Fiscal Year from funds budgeted and appropriated for that purpose and then at the end of such Fiscal Year returns the Water Rights back to Seller, then Buyer shall have no further liability under this Contract.

2. REFUND OR ADJUSTMENT OF PURCHASE PRICE. It is understood by the parties that the purchase price is based upon the combined use of the Water Rights and the right to irrigate no less than 233.2 acres with a per-acre diversion rate of 0.0114 cfs/acre, or 0.57 miner's inches/acre. It is understood by the parties that the diversion rate is the most important factor of the Water Rights to the Buyer. If the Idaho Department of Water Resources does not approve the Transfer to Buyer of the Water Rights with a per-acre diversion rate of 0.0114 cfs/acre, or 0.57 mine's inches/acre, then the purchase price and the Installment Payments shall be adjusted as provided herein. The adjustment shall be based on one-half of the percentage of the reduction by the Department. For example, if the Department approves the Transfer with a diversion rate of 0.0100 cfs/acre, the percentage of the reduction would be 12.28% and one-half of that would be 6.14%. Thus the total amount of the purchase price would be reduced by 6.14% and the Initial Payment and/or the Installment Payment would be reduced accordingly. If the Department does not approve any portion of the Transfer, then the Seller shall refund all principal payments made by the Buyer to the Seller within sixty days of the rejection or disapproval of the Transfer by the Department.

3. APPLICATION FOR TRANSFER. Within sixty (60) days after this Agreement is signed and at Buyer's expense, Buyer shall prepare and file an application with the Department to transfer the Water Rights to its name and either: a) to change or transfer the Water Rights' place of use, nature or time of use, and points of diversion, or b) obtain a new ground water permit in which the retirement of the Water Rights will serve a mitigation or similar purpose (collectively the "Transfer"). Buyer shall file the Transfer with the Department and diligently pursue it at Buyer's sole cost. Seller shall cooperate with and assist the Buyer in connection with the Transfer application and shall take whatever steps are reasonable and necessary to secure approval of the Transfer application.

4. BUYER'S RIGHT TO TERMINATE. The Buyer may terminate this Agreement at any time without cause by providing written Notice to Seller. If Buyer elects to terminate this Agreement, Seller shall retain the Initial Payment and any subsequent Installment Payments. If Buyer terminates this Agreement, Buyer shall forthwith withdraw and cancel the Transfer and take any steps necessary to ensure that the Department cancels, reverses or otherwise nullifies the Transfer application process and any Transfer approval, and such obligations shall survive the termination. If the Transfer has been completed, then Buyer shall take all steps necessary to transfer the Water Rights back to Seller.

5. PLACE OF PAYMENT. All of said Installment Payments shall be paid by Buyer to Seller at 6379 SW Division Road, Mountain Home, Idaho 83647, or at such other address or place as Seller may indicate in writing to Buyer.

6. USE OF WATER RIGHTS AND IRRIGATION SEASON. Until the Transfer is approved by the Department, Seller shall have the right to use or lease the Water Rights to a third party and receive any rental income therefor. In no event shall the Buyer use or possess the Water Rights prior to the end of the 2012 irrigation season. If the approval of the Transfer of the Water Rights has not been approved by the Department by the 1st day of March of any year, the Seller shall have the right to use or lease to a third party the Water Rights for that irrigation season for that year.

7. SECURITY FOR PAYMENT. Until the Purchase Price, plus all interest, has been paid in full by Buyer to the Seller, it shall be noted by the Department that Buyer is the holder of the Water Rights, but that Seller has a security interest in said Water Rights.

8. BUYER'S PROFESSIONAL FEES. Buyer shall pay the fees for its consultants, engineers and attorneys used by it in preparing and processing the Transfer.

9. SECURITY INTERESTS AND ENCUMBRANCES. The Seller warrants and guarantees that he will convey the Water Rights to Buyer with no security interests or encumbrances of any kind.

10. COMMISSIONS. Each Party represents to the other that no broker has been engaged in connection with the negotiations leading to this Agreement. Buyer and Seller hereby agree to indemnify and defend the other against any and all commissions, finder's fees or other fee or any claim therefor by any broker in connection with this transaction claiming through the indemnifying party.

11. REMEDIES FOR DEFAULT. In the event Buyer fails to comply with any of the terms hereof or upon the event of Non Appropriation, then Seller shall first give Buyer thirty (30) days' notice in writing specifying wherein Buyer has failed to comply with the terms hereof and which said notice shall be delivered to Buyer personally or may be sent to it by registered or certified mail, addressed to Buyer at its last post office address as provided herein or subsequently furnished to Seller in writing by Buyer. If sent by mail, said notice shall be deemed served upon Buyer upon the date it is deposited in the United States mail with postage prepaid, certified or registered and addressed as above mentioned. If Buyer fails to correct said default within said thirty-day period, then Seller may at his option and without further notice declare the whole unpaid balance of said purchase price immediately due and payable and proceed at once to recover the same or declare a forfeiture of all of the rights of Buyer under this Agreement and of all of its interest in and to the Water Rights, retaining all sums theretofore paid by Buyer under the terms hereof as the reasonable value for the use of the Water Rights by Buyer, or Seller may at his option bring an action in equity or at law for specific performance with damages or exercise such other rights and remedies either in law or in equity as he may have pursuant to this Contract or under the laws of the State of Idaho. The remedies herein mentioned shall be construed as cumulative and not as alternative or exclusive. In the event of Non Appropriation, Seller's only remedy shall be to declare a forfeiture and immediate termination of this Agreement in which case Buyer shall take all steps necessary to transfer the Water Rights back to Seller and Seller shall retain all amounts theretofore paid upon the purchase price.

12. ATTORNEY FEES. In the event it becomes necessary for either of the parties hereto to retain legal counsel for enforcement of their rights hereunder after default of the other party or

to institute suit for enforcement of their rights hereunder, then the party not in default, or the prevailing party in case of suit, shall be entitled to recover reasonable attorney's fees from the other party, in addition to the other damages allowed by law.

13. ATTORNEY'S EMPLOYMENT. The parties acknowledge that this agreement was prepared by the attorney for Buyer. Seller is advised to seek the advice of independent counsel if he so desires.

14. FURTHER DOCUMENTS AND ASSURANCES. Buyer and Seller shall each, diligently and in good faith, undertake all actions and procedures reasonably required to transfer the Water Rights to Buyer as and when required by this Agreement. Buyer and Seller shall provide all further information and execute and deliver all further documents and instruments reasonably required to complete the Transfer and all aspects of this transaction.

15. TIME IS OF THE ESSENCE. Time is of the essence of this Agreement and payment of the purchase price at the times set forth above.

16. SURVIVAL OF COVENANTS. All covenants and conditions in this Agreement are intended to survive closing.

17. SUCCESSORS AND ASSIGNS. The terms and conditions hereof shall extend to and be binding upon the successors and assigns of the respective parties hereto.

18. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement between the parties hereto and may not be altered or amended except by a writing signed by Seller and Buyer.

19. WAIVER. All remedies shall be cumulative. Waiver of any default shall not constitute a waiver of any subsequent default.

20. HEADINGS. Headings in this Agreement for Sale of Water Rights are for convenience only and shall not be used to interpret or construe its provisions.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year in this Agreement first above written.

CITY OF MOUNTAIN HOME, IDAHO,
a municipal corporation,

By: Tom Rist
Tom Rist, Mayor

ATTEST:

By: Nina Patterson
Nina Patterson, City Clerk





Jay B. Brown

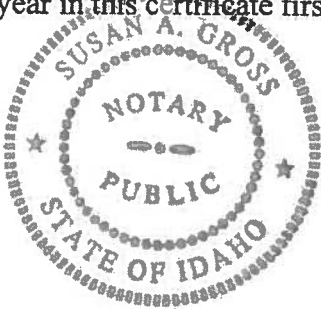


Christine M. Hopson-Brown

STATE OF IDAHO)
) ss.
COUNTY OF ELMORE,)

On this 29th day of May, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Tom Rist and Nina Patterson, known to me to be the Mayor and City Clerk, respectively, of the City of Mountain Home, Idaho, a municipal corporation that executed the foregoing instrument or the persons who executed the instrument on behalf of said municipal corporation, and acknowledged to me that said municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Susan A. Gross
Notary Public for Idaho,
Residing at Mountain Home, Idaho.
My commission expires: 01/06/14

STATE OF IDAHO,)
) ss.
COUNTY OF ELMORE,)

On this 23rd day of May, 2012, before me, the undersigned, a Notary Public in and for said state, personally appeared Jay B. Brown and Christine M. Hopson-Brown, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Nina L. Patterson
Notary Public for Idaho,
Residing at Mountain Home, Idaho.
My commission expires: 3-2-16

EXHIBIT A

Decrees for Water Rights



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 30, 2013

Addressed to: Please see the attached distribution list

**RE: Application for Transfer No. 78273
In the name of City of Mountain Home**

Dear Interested Parties:

The above referenced applications may be of interest to you. I would like to inform you that the application has been submitted to the Mountain Home News newspaper. This advertisement will publish on 1/1/2014 and 1/8/2014. More information regarding this application is available on our website www.idwr.idaho.gov.

If you have any questions regarding the applications, please contact this office at 208-334-2190.

Sincerely,

A handwritten signature in black ink that reads "Rachel Sommer". The signature is written in a cursive, flowing style with a large, loopsy 'R' at the beginning.

Rachel Sommer
Administrative Assistant I
Western Regional Office

Enclosure

DISTRIBUTION LIST

FORREST FREER
2690 S 10TH E
MOUNTAIN HOME ID 83647

MAE SANDERS
PO BOX 759
MOUNTAIN HOME ID 83647

CHARLES OLSON
8813 OLD HWY 30
MOUNTAIN HOME ID 83647

JOSEPH & GLORIA SWAILS
PO BOX 625
MOUNTAIN HOME ID 83647

BILL SANDERS
2400 E 12 S
MOUNTAIN HOME ID 83647

ESTHER FISHER
PO BOX 36
MOUNTAIN HOME ID 83647

PATRICK CRUSER
1360 OWYHEE DR
MOUNTAIN HOME ID 83647

ROBERT K LYTLE
1955 S MAIN ST
MOUNTAIN HOME ID 83647

RALPH GROEFSEMA
1400 S 18 E
MOUNTAIN HOME ID 83647

JIM CARRIE
PO BOX 624
MOUNTAIN HOME ID 83647

RONALD FISHER
1545 E 12TH S
MOUNTAIN HOME ID 83647

CLAIR LONG
RT 1 BOX 757-D
MOUNTAIN HOME ID 83647

LUIS & LA SHELL LASUEN
1250 E 12TH S
MOUNTAIN HOME ID 83647

AARON MARTIN
1220 E 12TH S
MOUNTAIN HOME ID 83647

JOSEPH W FERBRACHE
990 S 18TH E
MOUNTAIN HOME ID 83647

JERRY LOOSLI
182S E 6TH S
MOUNTAIN HOME ID 83647

MICHAEL & MARILYN LANDERS
2635 E 12TH S
MOUNTAIN HOME ID 83647

RAMONA YRAZABAL
1685 E 6TH S
MOUNTAIN HOME ID 83647

JACK B DONAHUE
1056 SE FISHER RD
MOUNTAIN HOME ID 83647

GEORGE HAZZARD
1805 E 12TH S
MOUNTAIN HOME ID 83647

EDMOND LOOSLI
1835 E 6TH S
MOUNTAIN HOME ID 83647

DELBERT & LOIS YORK
RR #1 BOX 752
MOUNTAIN HOME ID 83647

WILLIAM & THERESA BROWN
925 S 14TH E
MOUNTAIN HOME ID 83647

TRUMAN E PARKER
2200 E 6TH S
MOUNTAIN HOME ID 83647

RICHARD FISHER
4165 S 18TH W
MOUNTAIN HOME ID 83647

Sommer, Rachel

From: Sommer, Rachel
Sent: Tuesday, December 24, 2013 12:46 PM
To: 'SSWENSON@MOUNTAINHOMENEWS.COM'
Subject: Elmore Legal Ad
Attachments: Cover Letter.docx; Elmore Legal Ad.docx

Good Afternoon Stacy Swenson,

Please see the attached ad for publication on 1/1/2014 & 1/8/2014.

Please confirm these are okay to publish as shown.

Thank you very much,

Rachel Sommer

Administrative Assistant
IDWR, Western Region
Office: 208-334-2190
Fax: 208-334-2348
rachel.sommer@idwr.idaho.gov

December 24, 2013

LEGAL NOTICE DEPARTMENT
MOUNTAIN HOME NEWS
PO BOX 1330
MOUNTAIN HOME, ID 83647-1330

RE: Transfer No. 78273

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 1/20/2014. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

PROPOSED CHANGE OF WATER RIGHT

City of Mountain Home of PO Box 10, Mountain Home ID 83647 filed Application No. **78273** to transfer 10 water rights with 1931 to 1981 priority dates from ground water totaling 36.42 cfs. The purpose of the transfer is to add nine new wells, authorizing up to 20 total wells for the city's municipal service system use, change the nature of use of six water rights from irrigation to municipal use for municipal type irrigation of up to 1061.2 acres within the city's service area, and update the city's municipal service area record. Water will be used within the City of Mountain Home municipal service area, approximately 136 miles southeast of Boise.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the right(s) and the proposed transfer. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 01/20/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 1/1/2014 and 1/8/2014



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 11, 2013

WAYNE SHEPHERD PE
CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME ID 83647

Re: Application for Transfer No. 78273: Second Request for Additional Information

Dear Mr. Shepherd:

The Idaho Department of Water Resources (IDWR) is currently reviewing the above referenced application for transfer to change a water right(s). IDWR received the City of Mountain Home's (City's) amended application. Thank you for your time and effort regarding submissions up to this point. The amended application form is sufficiently completed allowing for publication of the proposed transfer. However, additional information is necessary before processing can be completed. Please submit information to address the following:

- To fulfill requirements of the previous transfer approval, please **submit an analysis of acres irrigated within the City's municipal service area including a recent aerial photo clearly designating all lands being irrigated with ground water vs. surface water required by Transfer No. 72128 water rights 61-2167 and 61-2210 approval condition #5.** For your reference, a copy of Transfer No. 72128 was enclosed in my letter dated July 30, 2013 requesting this information. It is necessary to confirm all conditions of the previous transfer have been met, because it is in the public's interest (condition served as resolution to certain aspects of protestant concerns). Also, it is not likely IDWR will approve the current transfer application proposing similar changes without the applicant complying with the conditions of the previous transfer, due to the fact any approval issued would likely require submittal of similar information.
- Based on the amended application, it appears some of the proposed points of diversion (PODs) are on property not owned by the City (per 2012 Elmore County tax lot data available to IDWR). The amended application included two letters authorizing access for the City's proposed PODs "6th S & 18th E and "Smith Rd & Bruneau Hwy". **Please confirm the City owns the property upon which the "Triangle N of #13" (T03S, R06E, Section 26, NW1/4, NW1/4) POD will be constructed OR please describe the arrangement enabling the City to access the property for the diversion system.**

The amended application proposes numerous additional PODs. While IDWR cannot prohibit the City from applying for a total of 20 PODs when it appears approximately half of those PODs are actively used, I would like to reiterate to the City that the transfer application is not a reasonably anticipated future needs proposal and the changes proposed, should they be approved, will be conditioned for completion within one (1) year with the possibility of up to five (5) years upon request, per IDWR policy. Also, considering the transfer application proposes PODs specifically excluded from the previous transfer approval as a resolution to public protest(s),

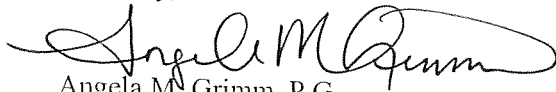
City of Mountain Home
December 11, 2013
Page 2 of 2

IDWR will send protestant(s) of Transfer No. 72128 a comment letter during the publication process, as it is deemed to be in the public's interest to do so.

Please submit the requested additional information for application processing to continue. Meanwhile, IDWR will publish the City's application for public notice. You may seek additional time to provide the information by making a written request to delay processing. **Your written response including the requested information, or a request for more time to seek the information, must be received within the next sixty (60) days.** Without a timely reply, IDWR will issue a preliminary order to reject the application. The application fee will not be refunded for a rejected or published application. A rejected application may be re-filed when adequate information can be provided.

Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter. I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Angela M. Grimm', with a large, sweeping loop at the end.

Angela M. Grimm, P.G.
Water Resource Agent, Sr.

Cc: Chuck G. Brockway, Brockway Engineering P.L.L.C.

Grimm, Angie

From: Charles G. Brockway [charles.g.brockway@brockwayeng.com]
Sent: Tuesday, December 10, 2013 1:41 PM
To: Grimm, Angie
Subject: Mountain Home
Attachments: POD supplement.pdf; FIGURE 1 NEW (Custom).jpg; FIGURE 2 NEW (Custom).jpg

Hi Angie,

The Smith & Bruneau well will be in the NENE Section 3 in accordance with the letter of concurrence from the Hofers. Attached are revised maps and POD supplement. Please replace those pages with these new ones.

Thanks,
Chuck

Charles G. Brockway, Ph.D., P.E.

Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72128

This is to certify that: CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME ID 83647
(208)587-2108

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
61-2167	WR/Decreed	04/06/1964	1.97 cfs	628 af	N/A	157.0	GROUND WATER
61-2210	WR/Decreed	09/30/1966	5.35 cfs	1172 af	N/A	293.0	GROUND WATER
61-2072	WR/Decreed	03/13/1931	2.00 cfs	N/A	N/A	N/A	GROUND WATER
61-2170	WR/Decreed	05/27/1964	9.64 cfs	N/A	N/A	N/A	GROUND WATER
61-7184	WR/Decreed	04/22/1974	4.35 cfs	N/A	N/A	N/A	GROUND WATER
61-7339	WR/Decreed	08/18/1977	4.50 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
61-2167	NO	YES	YES	YES	NO	NO
61-2210	NO	YES	YES	YES	NO	NO
61-2072	NO	NO	NO	YES	NO	NO
61-2170	NO	NO	NO	YES	NO	NO
61-7184	NO	NO	NO	YES	NO	NO
61-7339	NO	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
61-2167	61-2167	1.97 cfs	628.0 af	N/A	N/A		N/A	N/A	N/A	N/A
61-2210	61-2210	5.35 cfs	1172.0 af	N/A	N/A		N/A	N/A	N/A	N/A
61-2072	61-2072	2.00 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
61-2170	61-2170	9.64 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
61-7184	61-7184	4.35 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
61-7339	61-7339	4.50 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED TOTALS		27.81 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 61-08072

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72128

Detailed Water Right Description(s) attached

Dated this 3rd day of November, 20 06

Bary Spackman
Chief, Water Allocation Bureau

WATER RIGHT NO. 61-2167
As Modified by Transfer No. 72128

In accordance with the approval of Transfer No. 72128, Water Right No. 61-2167 is now described as follows.

Right Holder: CITY OF MOUNTAIN HOME
 PO BOX 10
 MOUNTAIN HOME ID 83647

Priority Date: April 06, 1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 11/01	1.97 CFS	628.0 AF
		1.97 CFS	628.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 13 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NENE	Sec. 23 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NWNW	Sec. 25 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SESE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NESE	Sec. 19 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	L1 (NWNW)	Sec. 30 Twp 03S	Rge 07E	ELMORE County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. This right is limited to the irrigation of 157 acres within the authorized place of use in a single irrigation season.
3. Prior to diversion and use of water for irrigation purposes under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
4. Rights 61-2072, 61-2170, 61-7184 and 61-7339 when combined shall not exceed a total diversion rate of 20.49 cfs, and a total annual maximum diversion volume of 14,834 af for municipal purposes; and when combined with irrigation rights 61-2167 and 61-2210 are limited to a total diversion rate of 27.81 cfs and a total annual maximum diversion volume of 16,634 af.
5. Every 5 years, or more or less frequently if deemed necessary by the department, the right holder shall submit an analysis of the number of acres irrigated within the authorized place of use that are not already covered by Mountain Home Irrigation District or other surface water rights, which will include an aerial photo clearly designating all lands being irrigated.

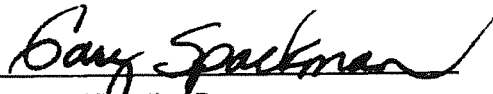
WATER RIGHT NO. 61-2167
As Modified by Transfer No. 72128

CONDITIONS OF APPROVAL

6. The right holder shall submit a report annually to the department demonstrating that the water diverted under rights 61-2167 and 61-2210 is necessary to satisfy demands for irrigation use during the authorized period of use. The annual report shall include the maximum weekly volume diverted for all purposes during both the irrigation season and the non-irrigation season. The annual report shall also include the total volume diverted for all purposes during both the irrigation season and the non-irrigation season. After specific notification by the department, the right holder shall provide to the department any data used to compile the report.
7. Any diversions of water under this right shall not be allowed if irrigation within the authorized place of use is curtailed or ceases for any reason.
8. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. The diversion and use of water described in Transfer 72128 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
12. This right does not grant any right-of-way or easement across the land of another.
13. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
14. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
15. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre for irrigation of the authorized place of use.
16. Rights 61-2210, 61-2072, 61-2170, 61-7184 and 61-7339 are also diverted through the points of diversion described above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 3rd day of November, 2006


Chief, Water Allocation Bureau

WATER RIGHT NO. 61-2210
As Modified by Transfer No. 72128

In accordance with the approval of Transfer No. 72128, Water Right No. 61-2210 is now described as follows.

Right Holder: CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME ID 83647

Priority Date: September 30, 1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	5.35 CFS	1,172.0 AF
			5.35 CFS	1,172.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 13 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NENE	Sec. 23 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NWNW	Sec. 25 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SESE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NESE	Sec. 19 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	L1 (NWNW)	Sec. 30 Twp 03S	Rge 07E	ELMORE County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. This right is limited to the irrigation of 293 acres within the authorized place of use in a single irrigation season.
3. Prior to diversion and use of water for irrigation purposes under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a weekly basis.
4. Rights 61-2072, 61-2170, 61-7184 and 61-7339 when combined shall not exceed a total diversion rate of 20.49 cfs, and a total annual maximum diversion volume of 14,834 af for municipal purposes; and when combined with irrigation rights 61-2167 and 61-2210 are limited to a total diversion rate of 27.81 cfs and a total annual maximum diversion volume of 16,634 af.
5. Every 5 years, or more or less frequently if deemed necessary by the department, the right holder shall submit an analysis of the number of acres irrigated within the authorized place of use that are not already covered by Mountain Home Irrigation District or other surface water rights, which will include an aerial photo clearly designating all lands being irrigated.

WATER RIGHT NO. 61-2210
As Modified by Transfer No. 72128

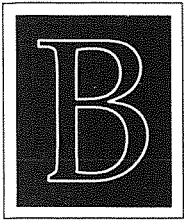
CONDITIONS OF APPROVAL

6. The right holder shall submit a report annually to the department demonstrating that the water diverted under rights 61-2167 and 61-2210 is necessary to satisfy demands for irrigation use during the authorized period of use. The annual report shall include the maximum weekly volume diverted for all purposes during both the irrigation season and the non-irrigation season. The annual report shall also include the total volume diverted for all purposes during both the irrigation season and the non-irrigation season. After specific notification by the department, the right holder shall provide to the department any data used to compile the report.
7. Any diversions of water under this right shall not be allowed if irrigation within the authorized place of use is curtailed or ceases for any reason.
8. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. The diversion and use of water described in Transfer 72128 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
12. This right does not grant any right-of-way or easement across the land of another.
13. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
14. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
15. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre for irrigation of the authorized place of use.
16. Rights 61-2167, 61-2072, 61-2170, 61-7184 and 61-7339 are also diverted through the points of diversion described above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 3rd day of November, 20 06


Chief, Water Allocation Bureau



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JUL 01 2013

WATER RESOURCES
WESTERN REGION

June 27, 2013

Angela M. Grimm
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: City of Mountain Home Transfer No. 78273

Dear Ms. Grimm:

Thank you for your letter of May 8, 2013 in which you outline several possible alternatives for structuring the above-referenced transfer. We have discussed each of the alternatives with the City, and the City has determined that Option #2, transferring the right to non-RAFN municipal, is the preferred approach. It is understood that under this approach, the water right would be converted to a beneficial use of "municipal," but would be conditioned such that it could only be used for "municipal irrigation" and therefore would maintain the same diversion volume and acreage rather than being limited to the historic consumptive use.

I understand that you will be following up with a letter outlining more details as to how the paperwork should be submitted to conform to this alternative.

Thank you again for your work on this complex issue, and please do not hesitate to call if any questions arise.

Cordially,

Charles G. Brockway, P.E.

Cc: City of Mountain Home c/o Wayne Shepherd
James Bledsoe, Keller Associates

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

May 8, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

WAYNE SHEPHERD PE
CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME ID 83647

Re: Transfer No. 78273 – Request for Additional Information

Dear Mr. Shepherd:

As discussed during our April 10, 2013 meeting, Steve Lester and I consulted with Department Water Management Division staff regarding the City of Mountain Home (City) transfer application referenced above. The enclosed document "PROS & CONS" summarizes Department staff conclusions and outlines the City's options in proceeding with their transfer application. Once an option is chosen, the application can be amended accordingly to allow for further processing.

Despite prior approval, please note authorization of the City's ground water irrigation use rights within a service area/digital boundary is not an outlined option. Department staff concluded there is no statutory authority for such an approval (Department error in previous approval). As such, the Department recommends the City amend this transfer application to change the irrigation use rights to be in compliance with statutes.

Each option outlined provides the City different advantages and disadvantages to consider. I offer the following to supplement the enclosure's items listed for each option:

- Regarding place of use:
 - Option #2 or #3 - City's rights will be municipal use within a municipal service area changes of which do not require Department authorization.
 - Option #1 - Portion of City's rights will remain irrigation use within a large permissible place of use (PPU) for which submission of a map detailing where irrigation is occurring within the PPU will be required and changes to which will require Department authorization and/or notification.
- Regarding points of diversion:
 - Option #1 or #2 – transfer proposal may include existing and new wells to be added to system within 5 year period, pending well construction permit approval(s).
 - Option #3 – transfer proposal may include existing and new wells to be added to system within planning horizon, pending well construction permit approval(s).

Regardless of which option the City chooses to pursue, some degree of municipal irrigation use reporting will likely be required, specifically for option #1 or #2. Previous Transfer No. 72128 approval conditions required the following:

City of Mountain Home
May 8, 2013
Page 2 of 2

Every 5 years, or more or less frequently if deemed necessary by the department, the right holder shall submit an analysis of the number of acres irrigated within the authorized place of use that are not already covered by Mountain Home Irrigation District or other surface water rights, which will include an aerial photo clearly designating all lands being irrigated.

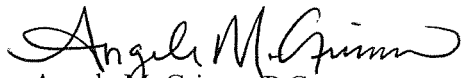
The right holder shall submit a report annually to the department demonstrating that the water diverted under rights 61-2167 and 61-2210 is necessary to satisfy demands for irrigation use during the authorized period of use. The annual report shall include the maximum weekly volume diverted for all purposes during both the irrigation season and the non-irrigation season. The annual report shall also include the total volume diverted for all purposes during both the irrigation season and the non-irrigation season. After specific notification by the department, the right holder shall provide to the department any data used to compile the report.

Since the November 3, 2006 approval, the Department has not received an analysis of lands irrigated or a report demonstrating water diversion for irrigation. At a minimum, submission of an aerial photo outlining the large municipal irrigation areas irrigated exclusively with ground water is required. However, if submission of the other information as specified above is not feasible, perhaps Department staff can work with you in deriving a different method of supplying the necessary information. Please feel free to contact me to discuss options, if you so desire. Satisfactory compliance with these conditions is necessary before processing of Transfer No. 78273 can be completed.

This letter, including enclosure, outlines the City's options to pursue their water right needs with regard to the above referenced transfer. Once the City chooses an option and informs the Department, an additional letter specifying the application amendments and/or additional information required will be provided. Meanwhile, the Department encourages the City to work towards compiling the information required by Transfer No. 72128 approval conditions as outlined above. **Please submit the required information and the City's decision at your earliest convenience. If a response to this letter is not received within sixty (60) days, the Department will issue a preliminary order to reject the application. The application fee will not be refunded for a rejected application. A rejected application may be re-filed when adequate information can be provided.**

Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter. I look forward to your response.

Sincerely,


Angela M. Grimm, P.G.
Water Resource Agent, Sr.

Enclosure: PROS & CONS

Cc: Charles G. Brockway, P.E. - Brockway Engineering P.L.L.C.

PROS & CONS

Irrigation under municipal use (“municipal irrigation”) covers lawns, gardens, landscaping, parks, athletic fields & mixing ground water with municipal effluent to land apply. Does not cover traditional agriculture irrigation – that must be covered by irrigation rights if any of that use from city system.

Must correct City irrigation rights POU. Options –

#1, TRANSFER TRADITIONAL IRRIGATION TO IRRIGATION PPU

- Can add some PODs for irrigation if needed
- Can include non-RAFN municipal rights if adding same PODs to those
- Accomplish in ≤ 5 years
- Requires irrigation reporting
- Requires future transfers as irrigation PPU changes to keep up with municipal service area

Pre 1996 non-RAFN municipal most likely not subject to forfeiture, irrigation is subject to forfeiture, putting unused part of municipal in water bank requires historic volume analysis to determine how much can be rented from bank.

#2, TRANSFER IRRIGATION TO NON-RAFN MUNICIPAL

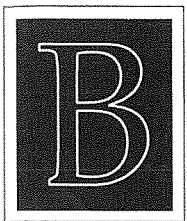
- Keep same volume
- Changed rights cover “municipal irrigation” within municipal service area
- Can add some PODs
- Include non-RAFN municipal rights since adding same PODs to those
- Accomplish in ≤ 5 years
- Requires municipal reporting to identify irrigated acres
- Does not require future transfers to change municipal service area.

Pre 1996 non-RAFN municipal rights most likely not subject to forfeiture, could but don’t have to put unused portion in water bank, if to bank: use portion of rights that were changed from irrigation to municipal since volume already known for those.

#3, TRANSFER EVERYTHING TO RAFN MUNICIPAL

- Keep same volume from irrigation rights being changed for “municipal irrigation”
- Add some PODs
- Accomplish by end of planning horizon (> 5 years)
- Requires considerable up front data/studies
- Requires municipal reporting to identify irrigated acres
- Does not require future transfers unless need to bring in more rights to meet RAFN targets.

IDWR can advise City about RAFN information needed. RAFN municipal not subject to forfeiture during planning horizon. Possible forfeiture after planning horizon period is over to extent some RAFN use not fully developed.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

AUG 01 2012

WATER RESOURCES
WESTERN REGION

July 30, 2012

Mr. John Westra
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Transfer – City of Mountain Home
Project No. 516-14-2011

Dear Mr. Westra:

Enclosed please find an application for transfer submitted on behalf of the City of Mountain Home. The proposed transfer would incorporate recently-purchased irrigation water rights into the City's municipal system, add points of diversion to existing water rights to allow future well development, and align the authorized place of use with the City's service area.

The transfer application has been structured generally according to the outline we discussed in our meeting a few months ago. As outlined in the attached technical narrative, a hydrologic study including groundwater modeling has been completed in order to demonstrate that no enlargement will occur, and to evaluate the effect of the transfer on seasonal and long-term water levels in the aquifer.

A check in the amount of \$2,740 is enclosed to cover the application fee corresponding to a total diversion rate of 37.56 cfs.

Please do not hesitate to contact me if there are any questions.

Cordially,

Charles G. Brockway, P.E.

Enc. Transfer application with supporting documentation
Technical narrative
Application fee

Cc: City of Mountain Home c/o Wayne Shepherd
James Bledsoe, Keller Associates

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506