

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78618**

This is to certify that: CITY OF NEW PLYMOUTH
PO BOX 158
NEW PLYMOUTH, ID 83655

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
65-12213	WR/DECREED	4/6/1979	1.000 cfs	N/A	N/A	N/A	GROUND WATER
65-13735	WR/LICENSE	6/16/1997	1.120 cfs	N/A	N/A	N/A	GROUND WATER
65-23263	WR/LICENSE	2/21/2008	1.000 cfs	N/A	N/A	N/A	GROUND WATER
65-25	WR/DECREED	7/18/1961	0.780 cfs	N/A	N/A	N/A	GROUND WATER
65-26	WR/DECREED	6/1/1929	0.270 cfs	N/A	12.0	16.0	GROUND WATER
65-27	WR/DECREED	6/1/1943	0.270 cfs	N/A	N/A	N/A	GROUND WATER
65-7093	WR/DECREED	8/8/1969	0.400 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>
65-12213	NO	NO	NO	YES	NO	NO
65-13735	NO	NO	NO	YES	NO	NO
65-23263	NO	NO	NO	YES	NO	NO
65-25	NO	NO	NO	YES	NO	NO
65-26	NO	NO	NO	YES	NO	NO
65-27	NO	NO	NO	YES	NO	NO
65-7093	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>
65-12213	65-12213	1.000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
65-13735	65-13735	1.120 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
65-23263	65-23263	1.000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
65-25	65-25	0.780 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
65-26	65-26	0.270 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
65-27	65-27	0.270 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
65-7093	65-7093	0.400 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		3.450 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

SUPPORT DATA

Transfer No. 78618

IN FILE # 65-25

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78618

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 23rd day of December, 2013.


Western Regional Manager

WATER RIGHT NO. 65-25
As Modified by Transfer No. 78618

In accordance with the approval of Transfer No. 78618, Water Right No. 65-25 is now described as follows:

Right Holder: CITY OF NEW PLYMOUTH
PO BOX 158
NEW PLYMOUTH, ID 83655

Priority Date: 7/18/1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	1/01	to 12/31	0.780 cfs 0.780 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSE	Sec 4	Twp 07N Rge 04W PAYETTE County
GROUND WATER	SENE	Sec 8	Twp 07N Rge 04W PAYETTE County
GROUND WATER	SWNE	Sec 9	Twp 07N Rge 04W PAYETTE County
GROUND WATER	SWNE	Sec 9	Twp 07N Rge 04W PAYETTE County

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 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. 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.
4. Place of use is within the service area of the City of New Plymouth municipal water supply system as provided for under Idaho Law.
5. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
6. Rights 65-25, 65-26, 65-27, 65-7093, 65-12213, 65-13735 and 65-23263 when combined shall not exceed a total diversion rate of 3.45 cfs.
7. The following rights are diverted through points of diversion described above: 65-25, 65-26, 65-27, 65-7093, 65-12213, 65-13735 and 65-23263.

WATER RIGHT NO. 65-26
As Modified by Transfer No. 78618

In accordance with the approval of Transfer No. 78618, Water Right No. 65-26 is now described as follows:

Right Holder: CITY OF NEW PLYMOUTH
 PO BOX 158
 NEW PLYMOUTH, ID 83655

Priority Date: 6/1/1929

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	0.240 cfs
MUNICIPAL	01/01	to 12/31	0.270 cfs
			0.270 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSE	Sec 4	Twp 07N Rge 04W PAYETTE County
GROUND WATER	SENE	Sec 8	Twp 07N Rge 04W PAYETTE County
GROUND WATER	SWNE	Sec 9	Twp 07N Rge 04W PAYETTE County
GROUND WATER	SWNE	Sec 9	Twp 07N Rge 04W PAYETTE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	04W	4		4.0									8.0						12.0
				L 2															

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 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. 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.
4. The municipal place of use is within the service area of the City of New Plymouth municipal water supply system as provided for under Idaho Law.
5. A map depicting the municipal place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.

Transfer No. 78618

WATER RIGHT NO. 65-26
As Modified by Transfer No. 78618

CONDITIONS OF APPROVAL

6. Rights 65-25, 65-26, 65-27, 65-7093, 65-12213, 65-13735 and 65-23263 when combined shall not exceed a total diversion rate of 3.45 cfs.
7. The following rights are diverted through points of diversion described above: 65-25, 65-26, 65-27, 65-7093, 65-12213, 65-13735 and 65-23263.

WATER RIGHT NO. 65-27

As Modified by Transfer No. 78618

In accordance with the approval of Transfer No. 78618, Water Right No. 65-27 is now described as follows:

Right Holder: CITY OF NEW PLYMOUTH
PO BOX 158
NEW PLYMOUTH, ID 83655

Priority Date: 6/1/1943

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	1/01	to 12/31	0.270 cfs 0.270 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSE	Sec 4	Twp 07N Rge 04W PAYETTE County
GROUND WATER	SENE	Sec 8	Twp 07N Rge 04W PAYETTE County
GROUND WATER	SWNE	Sec 9	Twp 07N Rge 04W PAYETTE County
GROUND WATER	SWNE	Sec 9	Twp 07N Rge 04W PAYETTE County

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 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. 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.
4. Place of use is within the service area of the City of New Plymouth municipal water supply system as provided for under Idaho Law.
5. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
6. Rights 65-25, 65-26, 65-27, 65-7093, 65-12213, 65-13735 and 65-23263 when combined shall not exceed a total diversion rate of 3.45 cfs.
7. The following rights are diverted through points of diversion described above: 65-25, 65-26, 65-27, 65-7093, 65-12213, 65-13735 and 65-23263.

WATER RIGHT NO. 65-7093
As Modified by Transfer No. 78618

In accordance with the approval of Transfer No. 78618, Water Right No. 65-7093 is now described as follows:

Right Holder: CITY OF NEW PLYMOUTH
PO BOX 158
NEW PLYMOUTH, ID 83655

Priority Date: 8/8/1969

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	1/01	to 12/31	0.400 cfs 0.400 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSE	Sec 4 Twp 07N Rge 04W PAYETTE County
GROUND WATER	SENE	Sec 8 Twp 07N Rge 04W PAYETTE County
GROUND WATER	SWNE	Sec 9 Twp 07N Rge 04W PAYETTE County
GROUND WATER	SWNE	Sec 9 Twp 07N Rge 04W PAYETTE County

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 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. 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.
4. Place of use is within the service area of the City of New Plymouth municipal water supply system as provided for under Idaho Law.
5. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
6. Rights 65-25, 65-26, 65-27, 65-7093, 65-12213, 65-13735 and 65-23263 when combined shall not exceed a total diversion rate of 3.45 cfs.
7. The following rights are diverted through points of diversion described above: 65-25, 65-26, 65-27, 65-7093, 65-12213, 65-13735 and 65-23263.

WATER RIGHT NO. 65-12213

As Modified by Transfer No. 78618

In accordance with the approval of Transfer No. 78618, Water Right No. 65-12213 is now described as follows:

Right Holder: CITY OF NEW PLYMOUTH
PO BOX 158
NEW PLYMOUTH, ID 83655

Priority Date: 4/6/1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	1.000 cfs
			1.000 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSE	Sec 4	Twp 07N Rge 04W PAYETTE County
GROUND WATER	SENE	Sec 8	Twp 07N Rge 04W PAYETTE County
GROUND WATER	SWNE	Sec 9	Twp 07N Rge 04W PAYETTE County
GROUND WATER	SWNE	Sec 9	Twp 07N Rge 04W PAYETTE County

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 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. 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.
4. Place of use is within the service area of the City of New Plymouth municipal water supply system as provided for under Idaho Law.
5. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
6. Rights 65-25, 65-26, 65-27, 65-7093, 65-12213, 65-13735 and 65-23263 when combined shall not exceed a total diversion rate of 3.45 cfs.
7. The following rights are diverted through points of diversion described above: 65-25, 65-26, 65-27, 65-7093, 65-12213, 65-13735 and 65-23263.

Transfer No. 78618

WATER RIGHT NO. 65-13735

As Modified by Transfer No. 78618

In accordance with the approval of Transfer No. 78618, Water Right No. 65-13735 is now described as follows:

Right Holder: CITY OF NEW PLYMOUTH
PO BOX 158
NEW PLYMOUTH, ID 83655

Priority Date: 6/16/1997

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	1.120 cfs
			1.120 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSE	Sec 4 Twp 07N Rge 04W PAYETTE County
GROUND WATER	SENE	Sec 8 Twp 07N Rge 04W PAYETTE County
GROUND WATER	SWNE	Sec 9 Twp 07N Rge 04W PAYETTE County
GROUND WATER	SWNE	Sec 9 Twp 07N Rge 04W PAYETTE County

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 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. 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.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. The daily diversion volume for non-domestic uses under this municipal right shall not exceed 2,500 gallons per use and the daily diversion volume for domestic uses under this right shall not exceed 13,000 gallons per dwelling in accordance with Section 42-111, Idaho Code.
6. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
7. Place of use is within the service area of the City of New Plymouth municipal water supply system as provided for under Idaho Law.
8. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.

Transfer No. 78618

WATER RIGHT NO. 65-13735
As Modified by Transfer No. 78618

CONDITIONS OF APPROVAL

9. Rights 65-25, 65-26, 65-27, 65-7093, 65-12213, 65-13735 and 65-23263 when combined shall not exceed a total diversion rate of 3.45 cfs.
10. The following rights are diverted through points of diversion described above: 65-25, 65-26, 65-27, 65-7093, 65-12213, 65-13735 and 65-23263.

WATER RIGHT NO. 65-23263

As Modified by Transfer No. 78618

In accordance with the approval of Transfer No. 78618, Water Right No. 65-23263 is now described as follows:

Right Holder: CITY OF NEW PLYMOUTH
PO BOX 158
NEW PLYMOUTH, ID 83655

Priority Date: 2/21/2008

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	1.000 cfs 1.000 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSE	Sec 4	Twp 07N Rge 04W PAYETTE County
GROUND WATER	SENE	Sec 8	Twp 07N Rge 04W PAYETTE County
GROUND WATER	SWNE	Sec 9	Twp 07N Rge 04W PAYETTE County
GROUND WATER	SWNE	Sec 9	Twp 07N Rge 04W PAYETTE County

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 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. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
4. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
5. Place of use is within the service area of the City of New Plymouth municipal water supply system as provided for under Idaho Law.

WATER RIGHT NO. 65-23263
As Modified by Transfer No. 78618

CONDITIONS OF APPROVAL

6. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.
7. Rights 65-25, 65-26, 65-27, 65-7093, 65-12213, 65-13735 and 65-23263 when combined shall not exceed a total diversion rate of 3.45 cfs.
8. The following rights are diverted through points of diversion described above: 65-25, 65-26, 65-27, 65-7093, 65-12213, 65-13735 and 65-23263.



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

December 23, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

CITY OF NEW PLYMOUTH
PO BOX 158
NEW PLYMOUTH ID 83655

Re: Transfer No. 78618

Water Right No's. 65-25, 65-26, 65-27, 65-7093, 65-12213, 65-13735, 65-23263

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Sommer". The signature is written in dark ink and is positioned above the typed name.

Rachel Sommer
Administrative Assistant

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person listed below:

Re: Transfer No. 78618

Water Right No's: 65-25, 65-26, 65-27, 65-7093, 65-12213, 65-13735, 65-23263

**CITY OF NEW PLYMOUTH
PO BOX 158
NEW PLYMOUTH ID 83655**



**Rachel Sommer
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

RECEIVED

DEC 02 2013

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Payette }

John E Dillon

Of Payette, Payette County, Idaho, being
First duly sworn, deposes and says:

- 1) That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not party to the above entitled action.
- 2) That I am the representative of the Independent Enterprise, a weekly newspaper published in the County of Payette and State of Idaho; that the said newspaper is in general circulation in the said County of Payette, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
- 3) That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper and was printed in the newspaper proper, and not in a supplement.

That said notice was published the following:
November 20, 27, 2013Legal # 80948
Water Rights
Department of Water Resources
2735 Airport Way
Boise, Id 83705State of Idaho }
County of Payette }

On this 29th day of November in the year 2013
Before me a Notary Public, personally appeared.
John E Dillon, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Yvonne Dee Lee
Notary Public for Idaho
Residing at Payette County
My Commission expires November 4, 2019

PROPOSED CHANGE
OF WATER RIGHTS

City of New Plymouth, P.O. Box 158, New Plymouth, ID 83655 filed Application No. 78618 to transfer 7 water rights for municipal use totaling 3.45 cfs when combined. The rights include the following: Ground Water - 7 rights, 1929 - 2008 priority dates, 4 wells.

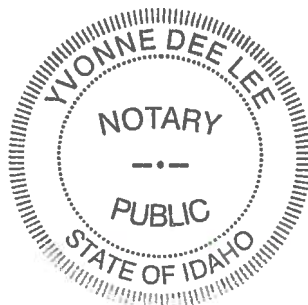
Four existing wells will combine to provide 3.45 cfs for the City of New Plymouth's municipal water system. The well sites are located near the intersection of Elm Street, West Avenue, and S. Plymouth Avenue, the intersection of S. Plymouth Avenue and SW 2nd Avenue, the intersection of Myrtle Street and Tracy Street, and on Adams Road north of the intersection of Adams Road and SW 2nd Avenue.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or see www.idwr.idaho.gov/apps/ExtSearch/WR_Filing.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 12/09/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on 11/20/2013 and 11/27/2013
Legal Number 80948 November 20, 27, 2013

RECEIVED

DEC 02 2013

WATER RESOURCES
WESTERN REGION

MEMORANDUM

TO: Transfer No. 78618
FROM: Rick Collingwood
DATE: October 30, 2013
RE: Evaluation of Application

The transfer proposes to transfer all City of New Plymouth municipal water to four (4) existing wells. Wells 1- 5 have either been abandoned or taken out of service. Wells 7, 8, and 9 are active wells, while Well 6 has been designated as an emergency well.

The four wells are located within a mile of each other. Well No. 6 is located at the intersection of Elm Street, West Avenue, and S. Plymouth Avenue. Well No.7 is located at the intersection of S. Plymouth Avenue and SW 2nd. Avenue. Well No.8 is located at the intersection of Myrtle Street and Tracy Street. Well No.9 is located on Adams Road north of the intersection of Adams Road and SW 2nd Avenue.

Summary of Information Submitted

Authority to File:

The applicant is the right holder of record.

Water Right Validity:

Water Rights 65-13735 and 65-23263 were licensed on June 12, 2013. Since these two municipal water rights were licensed within the last 5 years, they are valid water rights.

Water Rights 65-25, 65-26, 65-27, 65-7093, and 65-12213 were decreed in 2002. Although these water rights were decreed more than 5 years ago, pre-1996 municipal water rights are presumed to not be subject to forfeiture. Therefore, these water rights are presumed to be valid.

Injury to Other Water Rights:

No injury should occur. The transfer will not change the legal description for the points of diversion or the place of use. No more water or lands are proposed under this application.

Enlargement of Use:

No enlargement of use is expected. No more water or lands are proposed under this application.

Local Public Interest:

It is in the public's interest to provide flexibility for municipal rights for operational changes or modifications, such as the ability for a municipality to divert their licensed water appropriations

from any well within the municipality's service area. Likewise, as these operational changes are administered by the municipality, it is in the public's interest that the municipality provide an accurate description of all the municipality's water rights.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

There are no overlapping points of diversion or places of use for this transfer application.

The filing fee for this transfer is based on the combined use diversion rate limit for the seven (7) water rights. The filing fee for a total diversion rate of 3.45 cfs falls within the \$740.00 transfer fee. The applicant's initial application submitted a transfer fee of \$820.00 for a cumulative diversion rate of 4.62 cfs. A refund of \$80.00 will be submitted to the applicant.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.