

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78855

This is to certify that: STATE OF IDAHO
DEPT OF PARKS & RECREATION
PO BOX 83720
BOISE, ID 83720-0065

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>
51-7009	WR/DECREED	12/14/1967	0.130 cfs	22.0 af	N/A	4.0	GROUND WATER
51-7026	WR/DECREED	8/19/1968	0.360 cfs	50.0 af	N/A	10.0	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>
51-7009	NO	NO	YES	YES	NO	NO
51-7026	NO	NO	YES	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>
51-7009	51-7009	0.130 cfs	22.0 af	4.0	1560.0	N/A	N/A	N/A	N/A	N/A
51-7026	51-7026	0.360 cfs	50.0 af	10.0	1560.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.490 cfs	72.0 af	14.0	1560.0		N/A	N/A	N/A	N/A

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 30th day of October, 2013.


JOHN WESTRA, Western Regional Manager

SUPPORT DATA

IN FILE # 51-7009

Transfer No. 78855

WATER RIGHT NO. 51-7009**As Modified by Transfer No. 78855**

In accordance with the approval of Transfer No. 78855, Water Right No. 51-7009 is now described as follows:

Right Holder: STATE OF IDAHO
DEPT OF PARKS & RECREATION
STATEHOUSE MAIL
PO BOX 83720
BOISE, ID 83720-0065

Priority Date: 12/14/1967

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DOMESTIC	1/01	to 12/31	0.130 cfs	4.0 af
IRRIGATION	4/01	to 9/30	0.080 cfs	18.0 af
			0.130 cfs	22.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSW	Sec 11 Twp 06S Rge 06E	OWYHEE County
GROUND WATER	SWSW	Sec 12 Twp 06S Rge 06E	OWYHEE County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	06E	10																X	
06S	06E	11											X	X			X	X	
06S	06E	12											X	X					
06S	06E	13		X	X		X	X	X	X	X	X	X	X		X	X		
06S	06E	14	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
06S	06E	15	X			X									X			X	

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	06E	10																40.0	40.0
06S	06E	11											40.0	40.0			40.0	40.0	160.0
06S	06E	12											40.0	40.0					80.0
06S	06E	13		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0		480.0
06S	06E	14	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
06S	06E	15	40.0			40.0									40.0			40.0	160.0

Right Acre Limit: 4.0

POU Total Acres: 1560.0

Transfer No. 78855

WATER RIGHT NO. 51-7009

As Modified by Transfer No. 78855

CONDITIONS OF APPROVAL

1. Domestic use is for campgrounds at Bruneau Dunes State Park.
2. This right is limited to the irrigation of 4 acres within the authorized place of use in a single irrigation season.
3. This right is limited to the irrigation of a specific 4 acres within the 1560 acre place of use authorized by this right in a single irrigation season. The specific 4 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 4 acres to be irrigated within the 1560 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. 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 9/30 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than December 1, 2000.
5. 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 at the field headgate for irrigation of the place of use.
6. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 51-7026**As Modified by Transfer No. 78855**

In accordance with the approval of Transfer No. 78855, Water Right No. 51-7026 is now described as follows:

Right Holder: STATE OF IDAHO
DEPT OF PARKS & RECREATION
STATEHOUSE MAIL
PO BOX 83720
BOISE, ID 83720-0065

Priority Date: 8/19/1968

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/15	to 10/15	0.360 cfs	50.0 af
			0.360 cfs	50.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSW	Sec 11 Twp 06S Rge 06E	OWYHEE County
GROUND WATER	SWSW	Sec 12 Twp 06S Rge 06E	OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	06E	10																40.0	40.0
06S	06E	11											40.0	40.0			40.0	40.0	160.0
06S	06E	12											40.0	40.0					80.0
06S	06E	13		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0		480.0
06S	06E	14	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
06S	06E	15	40.0			40.0									40.0			40.0	160.0

Right Acre Limit: 4.0
POU Total Acres: 1560.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 10 acres within the authorized place of use in a single irrigation season.
2. This right is limited to the irrigation of a specific 10 acres within the 1560 acre place of use authorized by this right in a single irrigation season. The specific 10 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 10 acres to be irrigated within the 1560 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Transfer No. 78855

WATER RIGHT NO. 51-7026

As Modified by Transfer No. 78855

CONDITIONS OF APPROVAL

3. 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 at the field headgate for irrigation of the place of use.
4. 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 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than December 1, 2000.
5. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
6. 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. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78855

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: _____

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SEP 25 2013

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

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OCT 04 2013

WATER RESOURCES
WESTERN REGION

Name of Applicant(s) Idaho Department of Parks and Recreation

Phone 208-514-2457

Mailing address P.O. Box 83720 Boise, ID 83720-0065

Email Connie.Vaughn@idpr.idaho.gov

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

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

☐ No Representative

Name of Representative Ann Y. Vonde

Phone 208-334-4141

Mailing address P.O. Box 83720 Boise ID 83720-0010

Email ann.vonde@ag.idaho.gov

- ☒ 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

Ann Y. Vonde, Deputy Attorney General
Print Name and Title if applicable

9/23/13
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

This transfer will alter the place of use to include more locations within the Park boundaries. This will allow water to be used at multiple locations within the Park. This transfer also requests that the two existing points of diversion be added to each of the water rights. No new wells will be drilled.

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Rev. 07/11

Page 1a of 9WATER RESOURCES
WECS STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No. 78855APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Idaho Department of Parks and RecreationPhone 208-514-2457Mailing address P.O. Box 83720 Boise, ID 83720-0065Email Connie.Vaughn@ldpr.idaho.gov

- ☐ 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 Ann Y. VondePhone 208-334-4141Mailing address P.O. Box 83720 Boise ID 83720-0010Email ann.vonde@ag.idaho.gov

- ☒ 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

 Ann Y. Vonde, Deputy Attorney General
 Print Name and Title if applicable

9/23/13
 Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2.

This transfer will alter the place of use to include more locations within the Park boundaries. This will allow water to be used at multiple locations within the Park. This transfer also requests that the two existing points of diversion be added to each of the water rights. No new wells will be drilled.

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 ☒ ☐	51-7026	.36 cfs/50 afy	Irrigation	4/15 to 10/15	Groundwater
☒ ☐	51-7009	.13 cfs/ 4 afy	Domestic	1/1 to 12/31	Groundwater
☐ ☐		.08 cfs/18 afy	Irrigation	4/1 to 9/30	Groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.49 cfs and/or 72 ac-ft

2. Total amount of water proposed to be transferred or changed .49 cubic feet per second and/or 72 acre-feet per annum.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
No			SW	SW	11	6S	6E	Owyhee	Groundwater	
No			SW	SW	12	6S	6E	Owyhee	Groundwater	
These points of diversion are in existing wells. No new wells will be drilled.										

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

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

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

SEE PLACE OF USE SUPPLEMENT ATTACHED FOR LEGAL DESCRIPTION OF NEW PLACE OF USE

Total Acres (for irrigation use) _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No.

Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

[illegible]

Description of place of use (POU):

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

[illegible]

****If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application.**

Page _____

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:
Water is diverted from two wells. One well is used for both irrigation and domestic. That water is pumped to a water tank before being distributed to the places of use via a pipeline. The second well is used only for irrigation. It is also distributed to the places of use via a pipeline.
- b. Who owns the property at the point(s) of diversion? Idaho Department of Parks and Recreation
 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:
The number of acres irrigated will not change. The change in place of use will allow for irrigation of the same number of acres in more locations within the park. The amount of water used for domestic purposes also will not change. The change in place of use will allow applicant to use the same amount of domestic water in more locations within the park.
- 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:
Water right no. 51-2157 recreation and wildlife use on the same place of use. Water Right no. 51-2249 recreation storage, recreation from storage, wildlife storage, wildlife from storage on the same place of use. Water Right no. 02-7416 wildlife, wildlife storage, recreation on the same place of 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: _____

PART 2A:
Water Right Reports

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/21/2013

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SEP 25 2013

WATER RESOURCES
WESTERN REGION

Water Right 51-7009

Owner Type
Current Owner

Name and Address
STATE OF IDAHO
DEPT OF PARKS & RECREATION
STATEHOUSE MAIL
PO BOX 83720
BOISE, ID 83720-0065
(208)334-4199

Source
GROUND WATER

Tributary

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	9/30	0.080 CFS	18.0 AF
DOMESTIC	1/01	12/31	0.130 CFS	4.0 AF
Total Diversion			0.130 CFS	22.0 AF

Source and Point(s) of Diversion

GROUND WATER SWSW Sec. 11, Twp 06S, Rge 06E, OWYHEE County

Place Of Use

DOMESTIC within OWYHEE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	06E	11											X	X					
06S	06E	12											X	X					
06S	06E	13								X	X								

IRRIGATION within OWYHEE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	06E	11											4.0						4.0

POU Total Acres: 4.0

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. DOMESTIC USE IS FOR CAMPGROUNDS AT BRUNEAU DUNES STATE PARK. 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 SEPTEMBER 30 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY

Page 6 of 9

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/21/2013

OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A
PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Dates and Other Information

Decreed Date: 12/1/2000

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Owner Name Connector: OR

Mitigation Plan: False

Combined Use Limits

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/21/2013

Water Right 51-7026

Owner Type **Name and Address**
 Current Owner STATE OF IDAHO
 DEPT OF PARKS & RECREATION
 STATEHOUSE MAIL
 PO BOX 83720
 BOISE, ID 83720-0065
 (208)334-4199

Priority Date: 8/19/1968**Basis:** Decreed**Status:** Active

Source
 GROUND WATER

Tributary

Beneficial Use	From	To	Diverslon Rate	Volume
IRRIGATION	4/15	10/15	0.360 CFS	50.0 AF
	Total Diverslon		0.360 CFS	50.0 AF

Source and Point(s) of Diversion

GROUND WATER SWSW Sec. 12, Twp 06S, Rge 06E, OWYHEE County

Place Of Use

IRRIGATION within OWYHEE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	06E	12											7.0						7.0
06S	06E	13								3.0									3.0

POU Total Acres: 10.0

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. THE 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 15 AND 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.

Page 8 of 9

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/21/2013

Dates and Other Information

Decreed Date: 12/1/2000

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Owner Name Connector: OR

Mitigation Plan: False

Combined Use Limits

N/A

Water Supply Bank:

N/A

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

ATTACHMENT A:

Remarks:

1. Applicant requests five years to complete the requested transfer.

ATTACHMENT B:
Current Irrigation Location

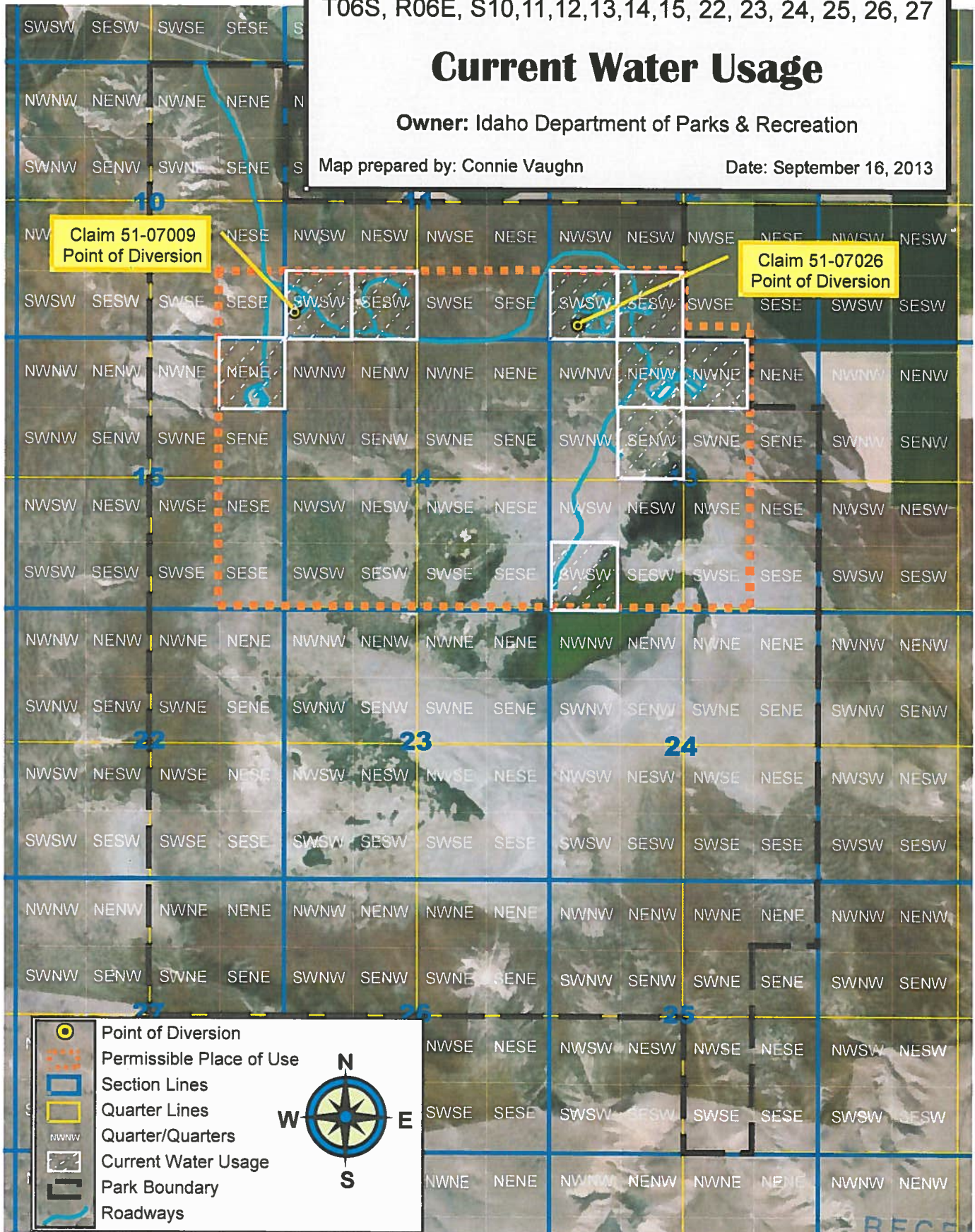
Bruneau Dunes State Park
T06S, R06E, S10,11,12,13,14,15, 22, 23, 24, 25, 26, 27

Current Water Usage

Owner: Idaho Department of Parks & Recreation

Map prepared by: Connie Vaughn

Date: September 16, 2013



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SEP 25 2013

Attachment 2

WATER RESOURCES
WESTERN REGION

ATTACHMENT C:
Proposed Place of Use

Bruneau Dunes State Park

T06S, R06E, S10,11,12,13,14,15, 22, 23, 24, 25, 26, 27

Claims: 51-07009, 51-07026

Owner: Idaho Department of Parks & Recreation

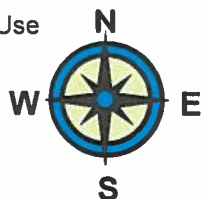
Map prepared by: Connie Vaughn

Date: September 16, 2013

Claim 51-07009
Point of Diversion

Claim 51-07026
Point of Diversion

-  Point of Diversion
-  Permissible Place of Use
-  Section Lines
-  Quarter Lines
-  Quarter/Quarters
-  Park Boundary



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SEP 25 2013

Attachment 3

WATER RESOURCES
WESTERN REGION

Bruneau Dunes State Park

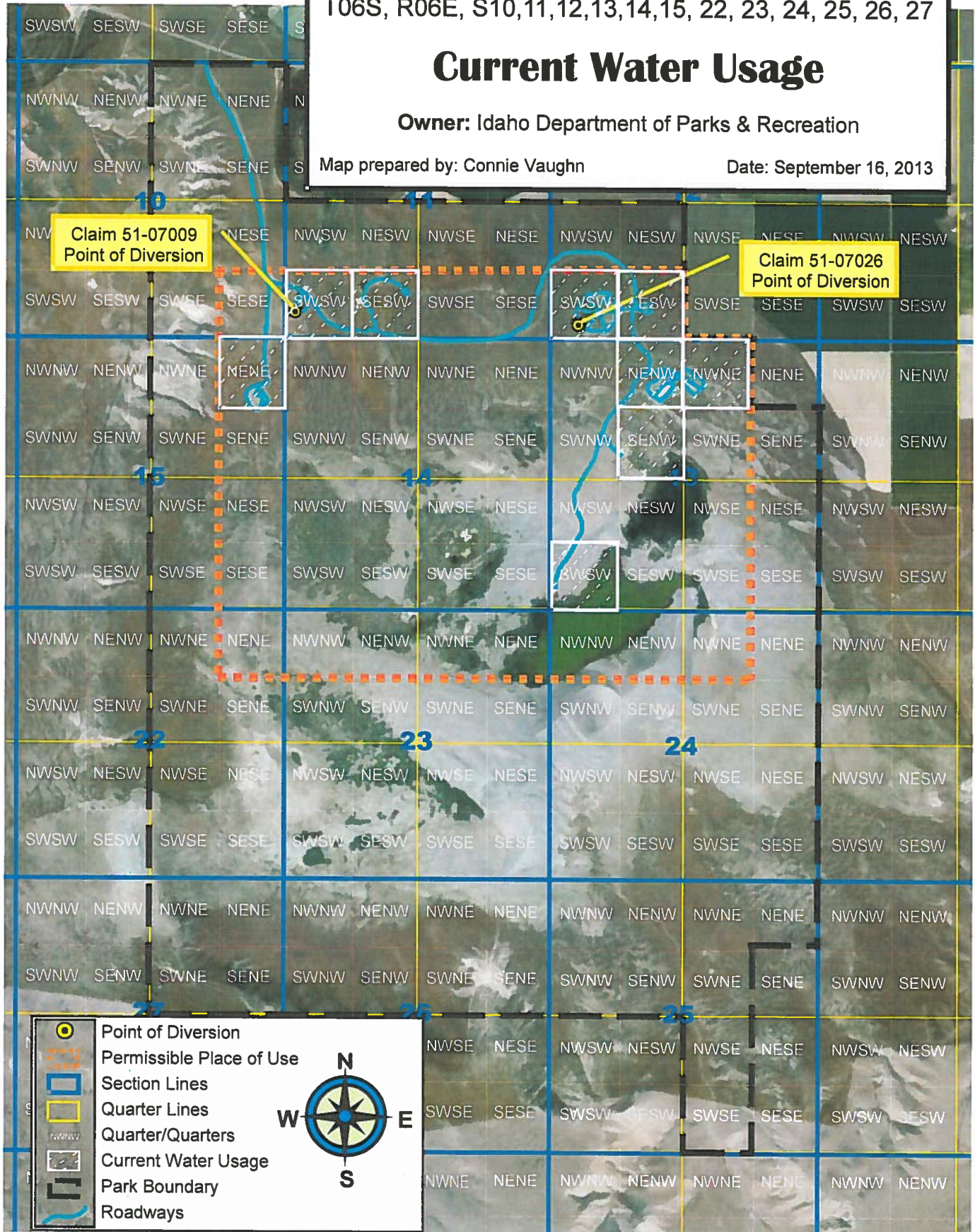
T06S, R06E, S10,11,12,13,14,15, 22, 23, 24, 25, 26, 27

Current Water Usage

Owner: Idaho Department of Parks & Recreation

Map prepared by: Connie Vaughn

Date: September 16, 2013





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

October 30, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

STATE OF IDAHO
DEPT OF PARKS & RECREATION
PO BOX 83720
BOISE ID 83720-0065

Re: Transfer No. 78855
Water Right No's: 51-7009, 51-7026

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Rachel Sommer". The script is cursive and fluid, with the first name "Rachel" and last name "Sommer" clearly legible.

Rachel Sommer

Administrative Assistant

Enclosure

CC:

STATE OF IDAHO
ANN Y VONDE
DEPUTY ATTORNEY GEN
PO BOX 83720
BOISE ID 83720-0010

CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the persons listed below:

Re: Transfer No. 78855
Water Right No's: 51-7009, 51-7026

STATE OF IDAHO
DEPT OF PARKS & RECREATION
PO BOX 83720
BOISE ID 83720-0065

STATE OF IDAHO
ANN Y VONDE
DEPUTY ATTORNEY GEN
PO BOX 83720
BOISE ID 83720-0010



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.

Walker, Kay

From: Connie Vaughn [Connie.Vaughn@idpr.idaho.gov]
Sent: Wednesday, October 09, 2013 12:41 PM
To: Walker, Kay
Cc: Vonde, Ann
Subject: FW: Transfer for Parks & Recreation No. 78855
Attachments: Bruneau Dunes Current Irrigation IDWR Map with revisions.pdf

Ms. Walker,

Attached is a revised map of current irrigation locations at Bruneau Dunes State Park. I have added polygons for the staff residence and park shop (Sec 11, SESW), and I have crossed out the polygon for the boat launch (Sec 13, SWSW). No irrigation water is used at the boat launch. It was identified on the water usage map because of the domestic water fountain at that site. Russian Olive trees surrounding the picnic shelter and in the parking lot at the boat launch obtain water from the high water table near the lake.

Please note that some of the irrigation polygons on the map identify locations where only drip line irrigation is used for trees and thus the polygons designating those areas do not provide accurate information for use in determining total acreage under irrigation.

Thank you for your help in processing the water right transfer application for Bruneau Dunes State Park. If you have any questions, or need additional information please feel free to contact me. My contact information is listed below.

Connie Vaughn

Planner
Idaho Department of Parks & Recreation
P.O. Box 83720
Boise, ID 83720-0065
Phone: 208-514-2457
Fax: 208-334-3741
website: www.parksandrecreation.idaho.gov

From: Vonde, Ann [<mailto:ann.vonde@ag.idaho.gov>]
Sent: Tuesday, October 08, 2013 3:46 PM
To: Connie Vaughn
Subject: FW: Transfer for Parks & Recreation No. 78855

Hi Connie,

I guess we need to revise the map that shows the current irrigation. Can you take a look at this and let Kay know directly if any changes need to be made to the map?

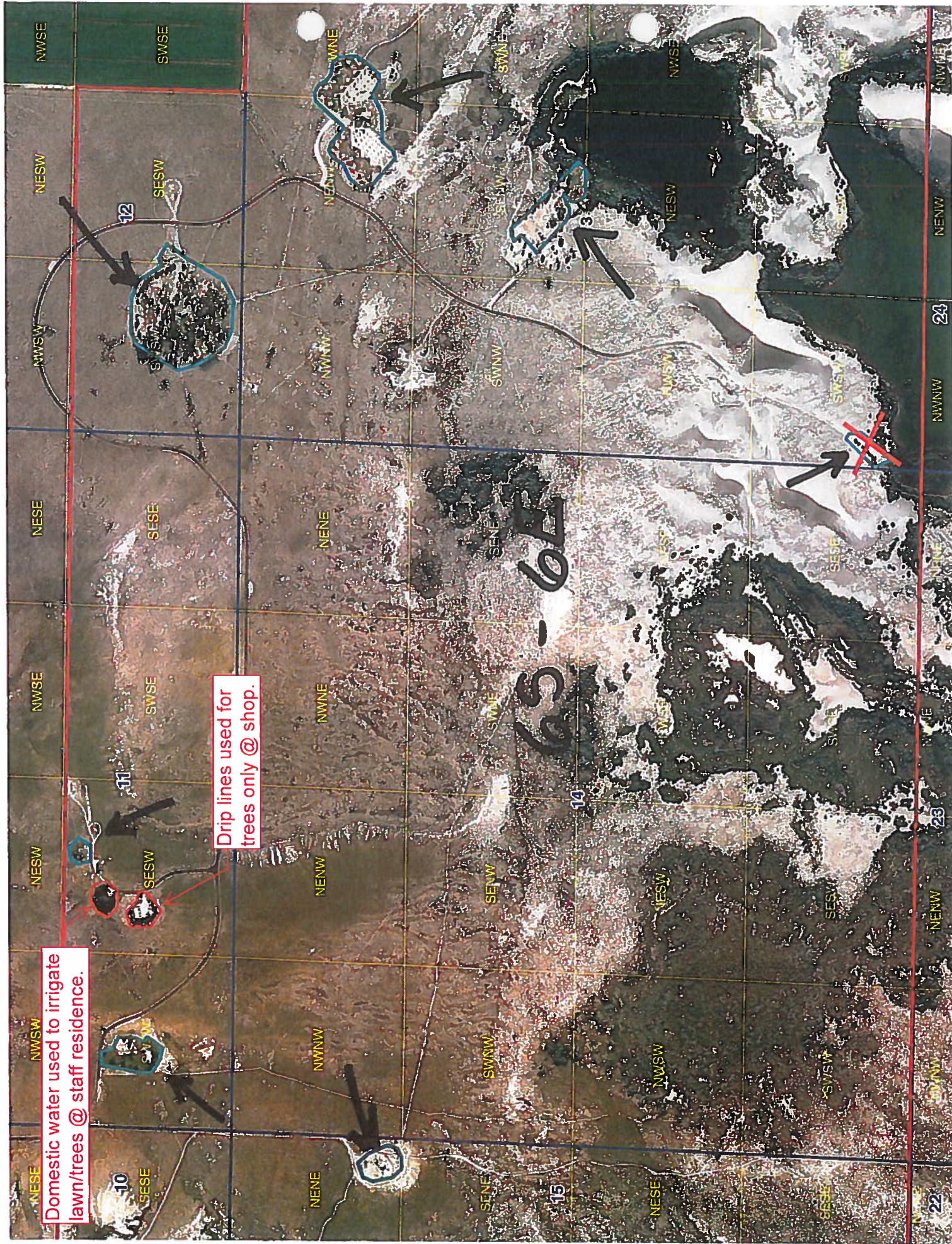
Thanks,

Ann Vonde
Deputy Attorney General
Natural Resources Division
Office of Attorney General
P.O. Box 83720
Boise ID 83720-0010
(208) 334-4141
fax (208) 854-8072

Domestic water used to irrigate lawn/trees @ staff residence.

Drip lines used for trees only @ shop.

65-6E



Walker, Kay

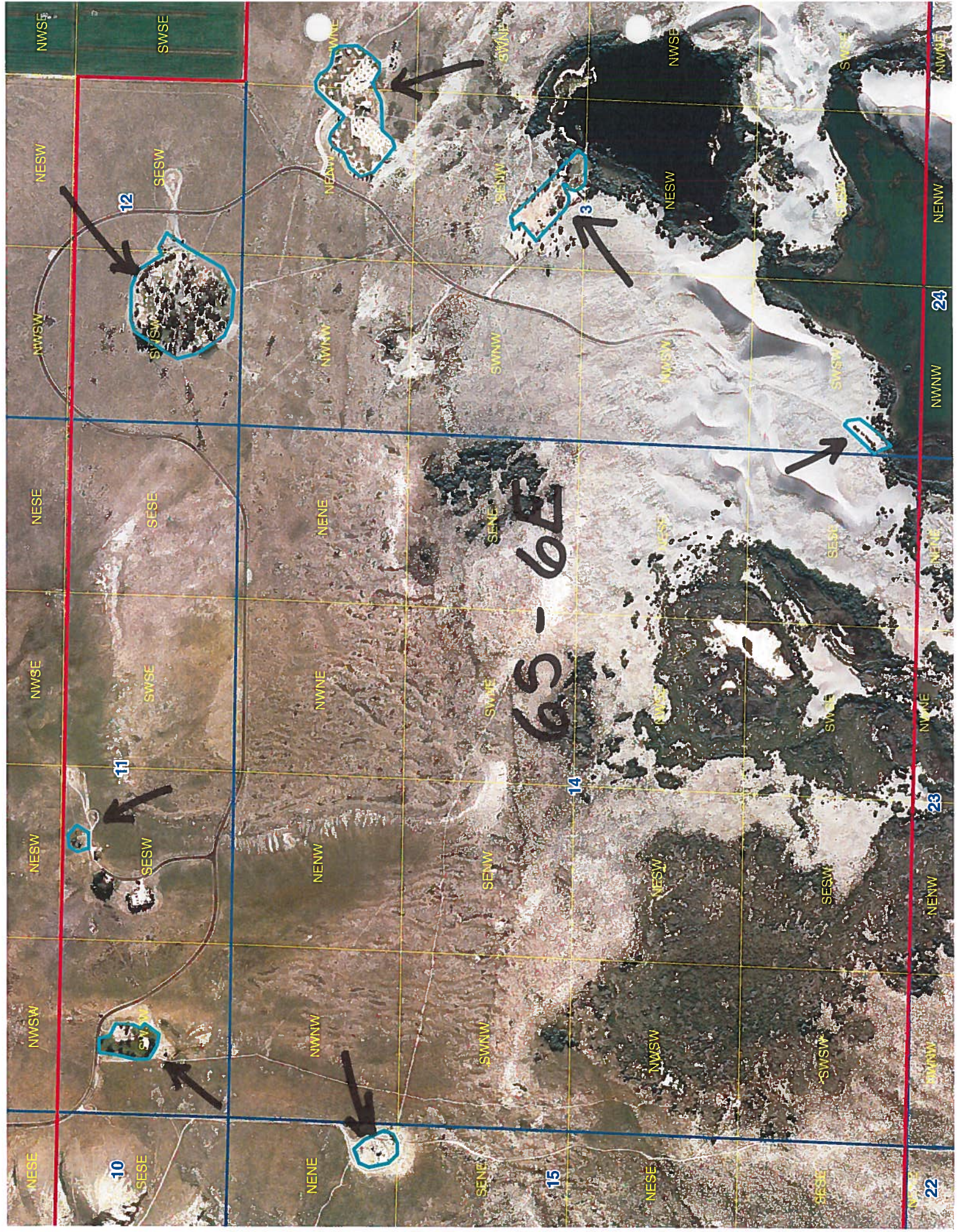
From: Walker, Kay
Sent: Tuesday, October 08, 2013 11:46 AM
To: ann.vonde@ag.idaho.gov
Cc: Walker, Kay
Subject: Transfer for Parks & Recreation No. 78855
Attachments: Parks & Rec.pdf

Ms. Vonde:

I was assigned to process the transfer application you submitted for Parks and Recreation. All looks okay except for the "specific" 14 acres that will be irrigated under the transfer approval. The location of the proposed irrigation was shown to a 40 acre tract description. In order to show the "specific" 14 acres I took the location provided on the map entitled "Current Water Usage" and went into our mapping program and found locations within each of the 40 acre tracts that appeared to be irrigated or had appearance of a camp ground. I have attached my take on the specific 14 acres that is, or will be, irrigated. Please review this map and if you are agreeable we will use it as the map of the specific 14 acres under the transfer approval. If changes need to be made, please mark them on the map and return it to me for correction. Once you are in agreement with the location of the specific 14 acres, we will be able to finalize the transfer process. Thank you for your attention to this matter.

Sincerely,

KAY WALKER
Sr. Water Resource Agent
334-2190



MEMORANDUM

TO: Transfer No. 78855
FROM: Kay Walker *KW*
DATE: October 7, 2013
RE: Evaluation of Application

The transfer proposes to alter the place of use to include more locations within park boundaries that can be irrigated. The transfer also proposes to include both wells under each water right. No new points of diversion are requested.

The site is located within the Bruneau Dunes State Park, south of State Highway 78, north of Saylor Creek Aerial Gunnery Range and approximately 5 miles northeast of the town of Bruneau.

Contact person for the applicant is Ann Vonde, PO Box 83702, Boise, 83720, telephone 334-4141. Ms. Vonde works for the attorney general's office in Boise.

Deviations from Transfer Policy Standards

We received a copy of the signature page in the application for transfer from the applicant. A voice message was left that we needed to have an original signature in order to proceed. We received the original signature page on October 4, 2013.

Summary of Information Submitted

Authority to File:

Applicant is the right holder of record.

Water Right Validity:

Right presumed to be valid because the partial decrees were issued in December of 2000. Aerial photography shows use of water on irrigated areas in 2004, 2006, 2009, 2011 and on ESRI imagery. Validity is not an issue.

Injury to Other Water Rights:

The applicant is planning to irrigate 14 acres within a 1560 acre permissible place of use (ppu). It should be fairly easy to see if the applicant irrigates more land than allowed since the place of use is in the sand dunes and any irrigation shows up readily on aerial photography.

Enlargement of Use:

An enlargement of these rights could happen easily since the ppu is 1560 acres and these water rights are for only 14 acres of irrigation. The applicant wants to be able to irrigate multiple areas within the ppu for their patrons. This would be acceptable as long as they don't exceed the irrigation of 14 acres at any time.

Local Public Interest:

It is within the local public interest to have green camp grounds within the park boundary.

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

Data entry affected the correct records (the partial decrees) that have been migrated into the water rights data base.

There are no overlapping rights at the points of diversion under these rights. The place of use overlap review revealed three rights that are also used at the Bruneau Dunes State park. The rights are 02-7416, from the Snake River, and 51-2157 and 51-2249 from springs tributary to sinks. These rights were issued for wildlife, wildlife storage, recreation and recreation storage uses at the park. I also found the BLM holds a stock water right (51-2439) within the park boundaries which I thought was unusual. There are no overlapping rights for irrigation and domestic uses at the park that were identified.

This proposal falls within the Bruneau Grandview Ground Water Management Area and trust area. Since these are existing water rights and no enlargement is proposed there should be no problem within these areas because of this application.

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.



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OCT 04 2013

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

October 2, 2013

Idaho Department of Water Resources
Western Regional Office
Attn: Rachel
2735 Airport Way
Boise, ID 83705-5082

RE: Transfer of Water Rights 51-7026 and 51-7009

Dear Rachel:

Enclosed please find the original signature page of the *Application For Transfer Of Water Right* pertaining to the water rights named above.

Respectfully,

A handwritten signature in blue ink, appearing to read "Melinda Bouldin".

Melinda Bouldin
Legal Secretary

/mb

Enclosure



RECEIVED

SEP 25 2013

WATER RESOURCES
WESTERN REGION

September 24, 2013

C. L. "Butch" Otter
governor

Nancy C. Merrill
director

.....
**IDAHO PARK AND
RECREATION BOARD**
.....

Tom Crimmins
region one

Randy Doman
region two

Susan Buxton
region three

Charles H. Correll
region four

Jean S. McDevitt
region five

Robert Hansen
region six

.....
**IDAHO DEPARTMENT OF
PARKS AND RECREATION**
.....

p.o. box 83720
boise, idaho 83720-0065

(208) 334-4199

fax (208) 334-3741

tdd 1-800-377-3529

street address
5657 warm springs avenue
boise, idaho 83716

www.parksandrecreation.idaho.gov

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

RE: Application for Transfer of Water Right 51-7026 and 51-7009

An Application for Transfer of Water Right, along with the required fee, is being submitted to alter the place of use to include more locations within the park boundaries and add the two existing points of diversion to each water right. No new wells will be drilled in the park.

Please contact me if you have any questions regarding the transmittal of this information. I can be reached by phone at 514-2457, or by email at connie.vaughn@idpr.idaho.gov.

Sincerely,

A handwritten signature in cursive script that reads "Connie Vaughn".

Connie Vaughn
Planner

Enclosures: Warrant No. 126285954 in the amount of \$500.00
Application for Transfer of Water Right

cc: Ann Vonde, Deputy Attorney General