

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 37-22825

7. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below.

Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
37-22773	Irrigation	0.042	N/A	6.2
37-22774	Irrigation	0.042	N/A	6.2
37-22775	Irrigation	0.084	N/A	6.2
37-22776	Irrigation	0.051	N/A	6.2

To mitigate for the depletion of water within the Hiawatha Canal system resulting from the non-use of water under rights 37-22773, 37-22774, 37-22775, and 37-22776 for mitigation purposes mentioned above an additional portion of the rights shall be delivered into the Hiawatha Canal to prevent injury to water right holders within the Hiawatha Canal system for the purposes and amounts specified below.

Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)
37-22773	Irrigation	0.011	N/A
37-22774	Irrigation	0.011	N/A
37-22775	Irrigation	0.021	N/A
37-22776	Irrigation	0.013	N/A

Moreover, the official records for rights 37-22773, 37-22774, 37-22775, and 37-22776 will be changed to show that the portions identified above are being dedicated to mitigation purposes.

In summary the total mitigation for this right is split into two components: 80% (0.219 cfs) to be left in the Big Wood River and 20% (0.056 cfs) left in the Hiawatha Canal for conveyance loss associated with the delivery of water by the Hiawatha Canal Water Users Association of Lateral or Laterals through its canal and lateral system.

The land that will no longer be irrigated under these rights is located within the NENW, SENW, NESW and SESW of Section 04, Township 02N, Range 18E.

If the specified mitigation rights, or portions thereof, are sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the volume of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 37-22825

8. This right is limited to 3.5 acre feet/acre/annum equivalent to 21.7 acre feet/annum for 6.2 acres. This right is further limited to the daily volumes corresponding to the deliverable priorities of the mitigation rights:
If right 37-22773 with priority of 5/1/1888 and other senior mitigation rights are deliverable this right is limited to 0.434 acre feet per day.
If right 37-22774 with priority of 9/18/1885 and other senior mitigation rights are deliverable this right is limited to 0.351 acre feet per day.
If right 37-22775 with priority of 6/30/1884 and other senior mitigation rights are deliverable this right is limited to 0.268 acre feet per day.
If right 37-22776 with priority of 3/24/1883 is the only mitigation right deliverable this right is limited to 0.101 acre feet per day.
If no mitigation right is deliverable this right must be curtailed.
9. Noncompliance with any condition of this right, including the requirement for mitigation and recording of use, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.
10. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 12th day of July, 2013.

FOR


GARY SPACKMAN, Director

State of Idaho
Department of Water Resources

Attachment To Permit to Appropriate Water

37-22825

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.075 0.15 0.3 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 15, 2013

CITY OF HAILEY
115 S MAIN ST #H
HAILEY ID 83333

RE: Permit No. 37-22825

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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 a party 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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Please note that pursuant to the approval of 37-22825 approval, the official water right records for 37-22773, 37-22774, 37-22775 and 37-22776 have been changed to reflect 6.2 acres converted to mitigation.

Also, 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 208-736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is fluid and cursive, with a large initial "A" and "M".

Allen Merritt
Southern Region Manager

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 37-22825

**CITY OF HAILEY
115 S MAIN ST #H
HAILEY ID 83333**

**SPF WATER ENGINEERING LLC
C/O ROXANNE BROWN
300 E MALLARD DR STE 350
BOISE ID 83706**

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
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.

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
02N	18E	4					X L3				X				X				

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-22773

Conditions of Approval:

1. E55 Right Nos. 37-22773, 37-22774, 37-22775 and 37-22776 are limited to the irrigation of a combined total of 16.6 acres in a single irrigation season.
2. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 37-22825. A total of 0.053 cfs of this right is changed from irrigation use on 6.2 acres to mitigation use. To prevent injury to other water right holders, the right holder shall cease diverting 0.042 cfs of this right from the Big Wood River and cease irrigation of 6.2 acres. In addition, 0.011 cfs of this right shall be delivered into the Hiawatha Canal to prevent injury to water right holders within the Hiawatha Canal system.
3. The rights listed below, shall provide nor more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used. Combined Right Nos. 37-22773, 37-22774, 37-22775 and 37-22776.
4. G05 Water diverted from Headgate #22 delivered through Hiawatha Canal.
5. The diversion rate of this right is 0.194 cfs.
6. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
7. This right is a split from former right 37-21811

Remarks:

Comments:

1. dsmith 8/23/2012 Ownership Change
Comment: This water right split from 37-21811
2. dsmith 8/24/2012 12:19:03 PM POU
Comment: Updated Shape
3. dsmith 8/24/2012 12:21:54 PM POD
Comment: Updated Shape
4. amerritt 7/2/2013 mitigation plan
Comment: 6.2 acres converted to mitigation upon approval of permit 37-22825.
5. amerritt 7/2/2013 12:28:15 PM POU
Comment: Updated Shape

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-22774

WATER RIGHT NUMBER: 37-22774

<u>Owner Type</u>	<u>Name and Address</u>
Previous Owner	EMB HAILEY LP A CALIFORNIA LTD PARTNERSHIP 9533 W PICO BLVD STE A LOS ANGELES, CA 90035 (213)271-2699
Original Owner	WOOD RIVER VALLEY ASSOC 2710 SUNRISE RIM RD BOISE, ID 83705 (208)344-8502
Current Owner	CITY OF HAILEY 115 S MAIN ST #H HAILEY, ID 83333 (208)788-4221

Priority Date: 09/18/1885

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MITIGATION	04/15 to 10/31	0.050 CFS	
IRRIGATION	04/15 to 10/31	0.150 CFS	
	<u>Total Diversion:</u>	0.200 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SW1/4NW1/4	Sec. 20, Twp 03N, Rge 18E, B.M.
BLAINE County		

Place of Use

MITIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	18E	4					X				X				X				
							L 3												

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	18E	4					2.1			2.4	6.7			5.4					16.6
							L 3												

Total Acres: 16.6

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-22774

Total Acres: 16.6

Conditions of Approval:

1. G05 Water diverted from Headgate #22 delivered through Hiawatha Canal.
2. This right is a split from former right 37-21813.
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. E55 Right Nos. 37-22773, 37-22774, 37-22775 and 37-22776 are limited to the irrigation of a combined total of 16.6 acres in a single irrigation season.
5. The diversion rate of this right is .195 cfs.
6. The rights listed below, shall provide nor more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used. Combined Right Nos. 37-22773, 37-22774, 37-22775 and 37-22776.
7. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 37-22825. A total of 0.053 cfs of this right is changed from irrigation use on 6.2 acres to mitigation use. To prevent injury to other water right holders, the right holder shall cease diverting 0.042 cfs of this right from the Big Wood River and cease irrigation of 6.2 acres. In addition, 0.011 cfs of this right shall be delivered into the Hiawatha Canal to prevent injury to water right holders within the Hiawatha Canal system.

Remarks:

Comments:

1. dsmith 8/23/2012 Ownership Change
Comment: Split from 337-21813
2. dsmith 8/24/2012 1:17:51 PM POD
Comment: Updated Shape
3. dsmith 8/24/2012 1:22:20 PM POU
Comment: Updated Shape
4. amerritt 7/2/2013 mitigation plan
Comment: 6.2 acres converted to mitigation upon approval of permit 37-22825
5. amerritt 7/2/2013 12:56:11 PM POU
Comment: Updated Shape

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-22775

WATER RIGHT NUMBER: 37-22775

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WOOD RIVER VALLEY ASSOC 2710 SUNRISE RIM RD BOISE, ID 83705 (208)344-8502
Previous Owner	EMB HAILEY LP A CALIFORNIA LTD PARTNERSHIP 9533 W PICO BLVD STE A LOS ANGELES, CA 90035 (213)271-2699
Current Owner	CITY OF HAILEY 115 S MAIN ST #H HAILEY, ID 83333 (208)788-4221

Priority Date: 06/30/1884

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MITIGATION	04/15 to 10/31	0.110 CFS	
IRRIGATION	04/15 to 10/31	0.280 CFS	
	<u>Total Diversion:</u>	0.390 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SW1/4NW1/4	Sec. 20, Twp 03N, Rge 18E, B.M.
BLAINE County		

Place of Use

MITIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	4					X				X	X			X				
							L 3												

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	4					2.1				2.4	6.7			5.4				
							L 3												16.6

Total Acres: 16.6

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-22775

Total Acres: 16.6

Conditions of Approval:

1. The diversion rate of this right is .387 cfs.
2. The rights listed below, shall provide nor more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used. Combined Right Nos. 337-22773, 37-22774, 37-22775 and 37-22776.
3. E55 Right Nos. 37-22773, 37-22774, 37-22775 and 37-22776 are limited to the irrigation of a combined total of 16.2 acres in a single irrigation season.
4. G05 Water diverted from Headgate #22 delivered through Hiawatha Canal.
5. This right is a split from former right 37-21815.
6. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
7. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 37-22825. A total of 0.105 cfs of this right is changed from irrigation use on 6.2 acres to mitigation use. To prevent injury to other water right holders, the right holder shall cease diverting 0.084 cfs of this right from the Big Wood River and cease irrigation of 6.2 acres. In addition, 0.021 cfs of this right shall be delivered into the Hiawatha Canal to prevent injury to water right holders within the Hiawatha Canal system.

Remarks:

Comments:

1. dsmith 8/24/2012 Ownership Change
Comment: Split from 37-21815
2. dsmith 8/24/2012 1:39:15 PM POU
Comment: Updated Shape
3. dsmith 8/24/2012 1:40:12 PM POD
Comment: Updated Shape
4. amerritt 7/2/2013 mitigation plan
Comment: 6.2 acres converted to mitigation upon approval of permit 37-22825.
5. amerritt 7/2/2013 1:21:10 PM POU
Comment: Updated Shape

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-22776

WATER RIGHT NUMBER: 37-22776

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WOOD RIVER VALLEY ASSOC 2710 SUNRISE RIM RD BOISE, ID 83705 (208)344-8502
Previous Owner	EMB HAILEY LP A CALIFORNIA LTD PARTNERSHIP 9533 W PICO BLVD STE A LOS ANGELES, CA 90035 (213)271-2699
Current Owner	CITY OF HAILEY 115 S MAIN ST #H HAILEY, ID 83333 (208)788-4221

Priority Date: 03/24/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MITIGATION	04/15 to 10/31	0.060 CFS	
IRRIGATION	04/15 to 10/31	0.170 CFS	
	<u>Total Diversion:</u>	0.230 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SW1/4NW1/4	Sec. 20, Twp 03N, Rge 18E, B.M.
BLAINE County		

Place of Use

MITIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	4					X			X	X			X					
							L 3												

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	4					2.1			2.4	6.7			5.4					16.6
							L 3												

Total Acres: 16.6

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-22776

Total Acres: 16.6

Conditions of Approval:

1. E55 Right Nos. 37-22773, 37-22774, 37-22775 and 37-22776 are limited to the irrigation of a combined total of 22.8 acres in a single irrigation season.
2. G05 Water diverted from Headgate #22 delivered through Hiawatha Canal.
3. The diversion rate of this right is .235 cfs.
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. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 37-22825. A total of 0.064 cfs of this right is changed from irrigation use on 6.2 acres to mitigation use. To prevent injury to other water right holders, the right holder shall cease diverting 0.051 cfs of this right from the Big Wood River and cease irrigation of 6.2 acres. In addition, 0.013 cfs of this right shall be delivered into the Hiawatha Canal to prevent injury to water right holders within the Hiawatha Canal system.
6. The rights listed below, shall provide nor more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used. Combined Right Nos. 37-22773, 37-22774, 37-22775 and 37-22776.
7. This right is a split from former right 37-21817 .

Remarks:

Comments:

1. dsmith 8/24/2012 Ownership Change
Comment: Split from 37-21817
2. dsmith 8/24/2012 1:40:56 PM POD
Comment: Updated Shape
3. dsmith 8/24/2012 1:42:00 PM POU
Comment: Updated Shape
4. amerritt 7/2/2013 mitigation plan
Comment: 6.2 acres converted to mitigation upon approval of permit 37-22825.
5. amerritt 7/2/2013 1:26:00 PM POU
Comment: Updated Shape

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Water Supply Bank:



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 15, 2013

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

Re: **APPROVED Permit No. 37-22825 (City of Hailey)**

Dear Mr. Lakey:

For your information and records, we have enclosed a copy of an APPROVED Application for Permit within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline". The signature is written in dark ink and is positioned above the printed name and title.

Denise Maline
Administrative Assistant

Enclosure

Merritt, Allen

From: Roxanne Brown [RBrown@spfwater.com]
Sent: Friday, July 12, 2013 1:50 PM
To: Merritt, Allen
Cc: fxh@haemlaw.com; Peppersack, Jeff; Keen, Shelley; Reeder, Jana
Subject: RE: Suggested Conditions for City of Hailey permit

Allen,

Again, thank you for your work on this one. I have reviewed the proposed conditions with City staff and they believe the system can be operated in such a way as to meet the conditions. Staff will work with the watermaster to supply the required volume measurement at whatever interval he specifies.

Please issue the permit as soon as possible. Thank you.

Roxanne

From: Merritt, Allen [<mailto:Allen.Merritt@idwr.idaho.gov>]
Sent: Wednesday, July 10, 2013 3:51 PM
To: Roxanne Brown
Cc: fxh@haemlaw.com; Peppersack, Jeff; Keen, Shelley; Reeder, Jana
Subject: RE: Suggested Conditions for City of Hailey permit

Roxanne,

Please review the attached revised draft permit and let me know what you think.

Please note that the mitigation rights will be adjusted accordingly but due to workflow limitations the face of the rights will be listed in hundredths of cfs and not thousandths of cfs. As you likely know the past data entry standards were to list cfs in hundredths only. The Ad Hoc workflow does not allow entry of thousandths but we may be able to cover it in remarks.

Also is the attached revised worksheet used to craft some of the remarks.

Allen

From: Roxanne Brown [<mailto:RBrown@spfwater.com>]
Sent: Tuesday, July 09, 2013 11:24 AM
To: Merritt, Allen
Cc: fxh@haemlaw.com
Subject: Suggested Conditions for City of Hailey permit

Allen,

Thank you for your patience as the City, SPF, and Mayor Haemmerle have had an opportunity to review the permit for application 37-22825. I have attached a copy of the permit with some suggested changes. We would be happy to discuss these changes at any time. In summary (in the order of the suggestions):

1. It appears there has been a typographical error on the priority date. Our date-stamped copy of the application has an April 24, 2013 date.

2. We suggest removing some language in Condition #4. Although it is likely irrigation will occur most often at night, we believe administration of the water right should be based on total daily volume diverted, not duration of pumping or consideration of the time of day.
3. At Condition 7, we feel the Department may want to require a totalizing meter to comply with Condition 4, and the suggested changes to Condition 8.
4. The parent rights have diversion rates written to 3 digits. We suggest that the values in Condition 8 also be written to 3 digits to avoid awkward math as the City continues to break the parent right into components for mitigation.
5. Also at Condition 8, we suggest limiting the volume of water diverted as rights go out of priority, rather than diversion rate. The rights are limited to 0.25 acre-foot diversions daily (Condition 4). This volume would be limited to 0.10 acre-foot when the most senior right is the only right in priority. The City system is currently engineered to deliver at a specific rate (0.49 cfs). In its current configuration, the system cannot be operated at declining rates, but it can easily be operated to deliver at shorter durations, which will limit the volume of water delivered as rights go out of priority.

Please consider these suggestions and call if you have any questions or comments. Thanks again.

Roxanne Brown | Sr. Water Right Specialist

SPF Water Engineering, LLC

300 E Mallard Drive, Suite 350 | Boise, ID 83706

p. 208.383.4140 | f. 208.383.4156 | d. 208.489.2136

e. rbrown@spfwater.com | w. www.spfwater.com



MEMORANDUM

Date: June 10, 2013
To: Application for Permit 37-22825 (City of Hailey) File
From: Jana Reeder
Re: Evaluation of Sufficiency of Information Submitted

Application proposes diverting up to 0.49 cfs of ground water from a new well for the irrigation of 6.2 acres at the Lions Park (3.2 acres) and the Hop Porter Park (3.0 acres) in the City of Hailey. Application includes a mitigation plan that proposes drying up 6.2 acres in the Northridge Subdivision located approximately 1.0 mi. north of the center of Hailey on the west side of HWY 75.

The City of Hailey currently delivers irrigation water to Hop Porter Park and Lions Park from its potable water supply system using its existing ground water wells and water distribution facilities. With this application, the City proposes drilling a shallow well on the Lions Park site which will provide an irrigation water supply for both parks using a shared pump system. The new system will irrigate a total of 6.2 acres. The permit to use ground water for irrigation of Lions Park and Hop Porter Park will be mitigated by non-diversion and non-use of water rights 37-22773, 37-22774, 37-22775, and 37-22776 currently owned by the City and delivered in the Hiawatha Canal. These rights mitigate for the depletion of water resulting from the diversion and use of water under Right 37-22825. Moreover, the official records for rights 37-22773, 37-22774, 37-22775, and 37-22776 will be changed to show that the portions identified above are being dedicated to mitigation purposes.

Applicant's also indicated that they will only be irrigating at night due to public access to the parks so a rate that is greater than is typically allowed for irrigation was requested.

The points of diversion and properties are in Water District 37 so water master comments will be requested.

- **Effect on Other Water Rights:**

The applicant has proposed to prevent injury to other water right holders. The right holders shall cease diverting a total of 0.22 cfs of rights 37-22773, 37-22774, 37-22775, and 37-22776 from the Big Wood River associated with irrigation of 6.2 acres. In addition, 0.05 cfs of the mitigation portion of this right shall be delivered into the Hiawatha Canal for conveyance loss and to prevent injury to water right holders within the Hiawatha Canal system.

- **Sufficiency of Water Supply:**

Portions of 37-22773, 37-22774, 37-22775, and 37-22776 will be left in the Big Wood River and a new well is proposed. The new well will be located near the Big Wood River and is expected to have a direct hydraulic connection (pumping river water). No issues anticipated at this time.

- **Application Made in Good Faith:**

The parks are already established and have an existing irrigation system.

- **Financial Resources:**

The project is being financed by the City of Hailey.

- **Local Public Interest:**

Application was subject to public notice and no negative comments were received.

- **Beneficial Use/Conservation of Water Resources:**

Proposed use is a beneficial use of water.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-203A Idaho Code or the Water Appropriation Rules (IDAPA 37.03.08) preventing processing of this application.

RECEIVED

MAY 24 2013

COPY OF NOTICE

AFFIDAVIT of PUBLICATION

State of Idaho
County of Blaine

Pam Morris

DEPT. OF WATER RESOURCES
SOUTHERN REGION

, being the first duly
sworn, deposes and says that she is the printer (publisher) of the Idaho
Mountain Express, a newspaper published every week in Ketchum, County
of Blaine, State of Idaho; that said newspaper has been continuously and
uninterruptedly published for a period of seventy-eight consecutive weeks
prior the first publication of the annexed notice, and is a newspaper qualified
to publish legal notices as provided by act of the 1919 session of the
legislature of the State of Idaho, known as House Bill 145; that the annexed
advertisement was published once

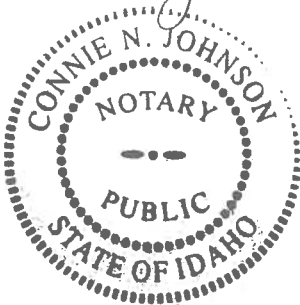
each week for 2 consecutive issues
in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 15 day of

May, 20 13, and the date of the last publication was
on the 22 day of May, 20 13

Subscribed and sworn to before me this 22 day of

May, 20 13.



Connie N. Johnson
NOTARY PUBLIC

RESIDING AT HAILEY, IDAHO
MY COMMISSION EXPIRES ON 7/10/2018

IDAHO MOUNTAIN EXPRESS
P.O. Box 1013
Ketchum, Idaho 83340
COST OF PUBLICATION

Number of Picas per Line 11.5

Number of Lines in Notice 51

Number of Insertions 2

Lines tabular at 9.0 cents/pica

51 Lines straight at 46.92 8.0 cents/pica

51 Subsequent lines at 41.06 7.0 cents/pica

TOTAL COST \$ 87.98

Legal Notice
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

The following application(s) have
been filed to appropriate the public
waters of the State of Idaho:

37-22825
CITY OF HAILEY
115 S MAIN ST #H
HAILEY, ID 83333
Point of Diversion NWSESW S9 T02N
R18E BLAINE County Source GROUND
WATER Tributary
Use: IRRIGATION 04/15 to 10/31
0.49 CFS
Total Diversion: 0.49 CFS
Date Filed: 4/26/2013
Place Of Use: IRRIGATION
T02N R18E S9 NESW SESW
Total Acres: 6.2
Application proposes diverting up to 0.49
cfs of ground water from a new well for the
irrigation of 6.2 acres at the Lions Park
(3.2 acres) and the Hop Porter Park (3.0
acres) in the City of Hailey. Application
includes a mitigation plan that proposes
drying up 6.2 acres in the Northridge
Subdivision located approximately 1.0 mi.
north of the center of Hailey on the west
side of HWY 75.

✓ OK DM
6-5-2013

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the right(s), please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before June 3, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH:

IDAHO MOUNTAIN EXPRESS

May 15 & 22, 2013

✓ OK DM 6/5/2013

