

Transfer No. 78107
 Receipt No. 5032887

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED**NOV 02 2012**

DEPT. OF WATER RESOURCES
 SOUTHERN REGION

1. Applicant Information OAKLEY VALLEY WATER CO
 PO BOX 201
 OAKLEY ID 83346
 (208)862-3346

Will this transfer result in an ownership change? _____ Yes ☒ No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
45-4273	WR/Beneficial Use	0.45				GROUND WATER

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
45-4273	NO	NO	NO	YES	NO	NO

Describe the reason for the proposed changes

Application is being filed to add an existing well to the Oakley Valley Water Company system.

4. FOR CHANGES IN NATURE OF USE ONLY**A. Describe the expected quantity of the return flows and location of discharge after the proposed change**

N/A

B. Describe the effects on other water uses resulting from the proposed change

N/A

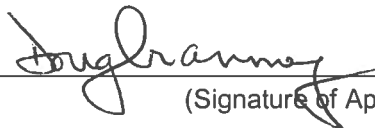
5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
45-4273	0.45 cfs	N/A	N/A	N/A
TOTAL	0.45 cfs			

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.



(Signature of Applicant)



(Title or Office)

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

Current Water Right No. 45-4273

Priority Date: February 12, 1954

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
MUNICIPAL	01/01 12/31	0.45 CFS		
	Total Diversion	0.45 CFS		

Source and Point(s) of Diversion:

GROUND WATER SWSWSW Sec. 20 Twp 13S Rge 22E CASSIA County

GROUND WATER SWSWSW Sec. 21 Twp 13S Rge 22E CASSIA County

Conditions/Remarks:

1. Place of use is within the area served by Oakley Valley Water Company.
2. 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.

Documentation of Ownership of the Current Place of Use

IDWR Records

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

N/A

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

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**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 3A**

Proposed Water Right No. 45-4273

Priority Date: February 12, 1954

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
MUNICIPAL	01/01 12/31	0.45 CFS		
	Total Diversion	0.45 CFS		

Source and Point(s) of Diversion:

GROUND WATER	SWSWSW	Sec. 20 Twp 13S	Rge 22E	CASSIA County
GROUND WATER	SWSWSW	Sec. 21 Twp 13S	Rge 22E	CASSIA County
GROUND WATER	SWSWNE	Sec. 29 Twp 13S	Rge 22E	CASSIA County

Describe the proposed diversion system

No. C 85181	Due no later than Nov 30, 2011 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. OAKLEY VALLEY WATER COMPANY KARLA ROBINSON PO BOX 201 OAKLEY ID 83346		KARLA ROBINSON 1496 S 500 W OAKLEY ID 83346			
			3. <u>New</u> Registered Agent Signature:*			
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
DIRECTOR	BEN NELSON	P O BOX 201	OAKLEY	ID	USA	83346
DIRECTOR	EUGENE MATTHEWS	P O BOX 201	OAKLEY	ID	USA	83346
DIRECTOR	RANDY HARDY	P O BOX 201	OAKLEY	ID	USA	83346
TREASURER	KARLA ROBINSON	P O BOX 201	OAKLEY	ID	USA	83346
SECRETARY	DOUG PICKETT	P O BOX 201	OAKLEY	ID	USA	83346
PRESIDENT	DOUG CRANNEY	P O BOX 201	OAKLEY	ID	USA	83346
5. Organized Under the Laws of: ID C 85181		6. Annual Report must be signed.* Signature: Karla Robinson Name (type or print): Karla Robinson Date: 09/29/2011 Title: Treasurer				
Processed 09/29/2011		* Electronically provided signatures are accepted as original signatures.				

TRANSFER 78107





Randy L. Hardy
1818 S. 500 W.
Oakley, ID 83346
(208)300-3680

Benjamin A. Hardy
1844 S. 500 W.
Oakley, ID 83346
(208)300-7864

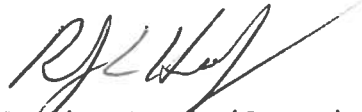
Oakley, ID

Sept. 3, 2012

Dept. of Water Resources:

I hereby authorize the Oakley Valley Water Co. to use my current well site, located in the SW1/4 of the SW1/4 of the NW1/4 of Section 29, Township 13 South, Range 22 East, as an additional point of diversion for their water delivery system. There will not be any change of ownership, but simply the right to use the current site under right #45-4273.

Respectfully,



Randy L. Hardy (Owner)



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

November 9, 2012

OAKLEY VALLEY WATER CO
PO BOX 201
OAKLEY, ID 83346

RE: Transfer No. 78107
Water Right No(s). 45-4273

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 11/15/2012 and 11/22/2012**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**December 3, 2012**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Friday, November 09, 2012 8:58 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.docx

Attached please find (1) legal notice being submitted for publication on November 15th & 22nd, 2012. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

November 9, 2012

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Transfer No. 78107
Water Right No(s): 45-4273

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before December 3, 2012. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78107**

OAKLEY VALLEY WATER CO, PO BOX 201, OAKLEY, ID 83346 has filed Application No. 78107 for changes to the following water rights within CASSIA County(s): Right No(s). 45-4273; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to add a point of diversion to a groundwater municipal right (45-4273). Currently right 45-4273 diverts up to 0.45 cfs from two wells located the following approximate distances from Oakley: 2 mi. N & 0.4 mi. W and 2 mi. N & 1.5 mi. W, for municipal uses within the Oakley Valley Water Company service area, generally located on ground surrounding Oakley. Application proposes to add an existing well located approximately 1.5 mi. N & 0.9 mi. W of Oakley.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department 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 December 3, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on November 15th & 22nd, 2012

Maline, Denise

From: Maline, Denise
Sent: Friday, November 09, 2012 9:11 AM
To: 'Brian Higgs'
Subject: Comment Letter for Transfer 78107
Attachments: Comment Letter to WM140.pdf; Transfer App 78107.pdf

Attached please find a cover letter, recommendation form, and copy of an Application for Transfer currently being processed by the department. Please review and submit any comments you may have, within 21 days.

If you have any questions regarding the attached information, please feel free to contact our office.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 9, 2012

BRIAN HIGGS
WATER DISTRICT #140
355 W 500 S
BURLEY, ID 83318

Via E-mail

RE: Transfer No. 78107
Water Right No(s): 45-4273

Dear Mr. Higgs:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

MEMORANDUM

Date: November 6, 2012
To: Transfer 78107 File
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application proposes to add a point of diversion to a groundwater municipal right (45-4273). Currently right 45-4273 diverts up to 0.45 cfs from two wells located the following approximate distances from Oakley: 2 mi. N & 0.4 mi. W and 2 mi. N & 1.5 mi. W, for municipal uses within the Oakley Valley Water Company service area, generally located on ground surrounding Oakley. Application proposes to add an existing well located approximately 1.5 mi. N & 0.9 mi. W of Oakley. Proposed changes occur within the ESPA, Oakley-Kenyon CGWA, Trust Water Area, and WD-140. Due to the nature of the proposed changes it is recommended that this application goes through a public notice and protest period.

- **Authority to File:**
Oakley Valley Water Company is the current owner of record the water right. The application has been signed by Doug Cranney, the president of the Oakley Valley Water Company. The current property owner of the proposed point of diversion, Randy Hardy, has consented to the proposed changes in a September 3, 2012 letter.
- **Water Right Validity:**
Right 45-4273 was partially decreed in the SRBA in June of 2006. Aerial photography indicates that water right has been continually used, and applicant has indicated that the Oakley Valley Company has continually supplied water to homes within their municipal boundary area, so it appears forfeiture is not an issue. In addition, application will be reviewed by the water master for WD-140.
- **Injury to Other Water Rights:**
None anticipated or foreseen.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.