

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 78089**

This is to certify that: CITY OF FAIRFIELD  
 PO BOX 336  
 FAIRFIELD ID 83327  
 (208)764-2333

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

**Summary of Water Rights Before the Proposed Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 37-2457      | WR/Decreed          | 01/14/1942      | 1.5 cfs     | N/A           |                   |                    | GROUND WATER  |
| 37-2716      | WR/Decreed          | 10/11/1965      | 1.23 cfs    | N/A           |                   |                    | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

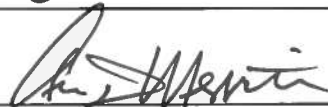
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 37-2457               | NO           | NO         | NO         | YES            | NO                   | NO                   |
| 37-2716               | NO           | NO         | NO         | YES            | NO                   | NO                   |

**Summary of Water Rights After the Approved Change**

| <u>Existing Right</u> | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 37-2457               | <b>37-2457</b>                   | 1.5 cfs              | N/A                    | N/A               |                    |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 37-2716               | <b>37-2716</b>                   | 1.23 cfs             | N/A                    | N/A               |                    |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>2.73 cfs</b>      | N/A                    | N/A               |                    |                                    | N/A                   | N/A                     | N/A                         | N/A                          |

Detailed Water Right Description(s) attached

Dated this 26<sup>th</sup> day of October, 2012

  
 Southern Region Manager

**SUPPORT DATA**  
**IN FILE # 37-2457**

**WATER RIGHT NO. 37-2457**  
**As Modified by Transfer No. 78089**

In accordance with the approval of Transfer No. 78089, Water Right No. 37-2457 is now described as follows.

**Right Holder:** CITY OF FAIRFIELD  
PO BOX 336  
FAIRFIELD ID 83327

**Priority Date:** January 14, 1942

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| MUNICIPAL             | 01/01       | to 12/31  | 1.50 CFS              |
|                       |             |           | 1.50 CFS              |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |        |                         |              |
|--------------|--------|-------------------------|--------------|
| GROUND WATER | SESW   | Sec. 9 Twp 01S Rge 14E  | CAMAS County |
| GROUND WATER | NENESE | Sec. 9 Twp 01S Rge 14E  | CAMAS County |
| GROUND WATER | SWNWSW | Sec. 10 Twp 01S Rge 14E | CAMAS County |
| GROUND WATER | SWNWSW | Sec. 10 Twp 01S Rge 14E | CAMAS County |

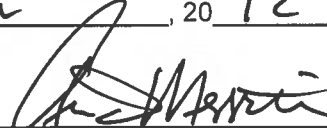
**WATER RIGHT NO. 37-2457**  
**As Modified by Transfer No. 78089**

**CONDITIONS OF APPROVAL**

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. Rights 37-2457 and 37-2716 when combined and from all points of diversion shall not exceed a total diversion rate of 2.73 cfs.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. Place of use is within the service area of the City of Fairfield municipal water supply system as provided for under Idaho Law.
5. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
6. The right holder shall accomplish the change authorized by this transfer within one year 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.

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

Dated this 26<sup>th</sup> day of October, 20 12

  
\_\_\_\_\_  
Southern Region Manager

**WATER RIGHT NO. 37-2716**  
**As Modified by Transfer No. 78089**

In accordance with the approval of Transfer No. 78089, Water Right No. 37-2716 is now described as follows.

**Right Holder:** CITY OF FAIRFIELD  
PO BOX 336  
FAIRFIELD ID 83327

**Priority Date:** October 11, 1965

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| MUNICIPAL             | 01/01       | to 12/31  | 1.23 CFS              |
|                       |             |           | 1.23 CFS              |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |        |                         |              |
|--------------|--------|-------------------------|--------------|
| GROUND WATER | SESW   | Sec. 9 Twp 01S Rge 14E  | CAMAS County |
| GROUND WATER | NENESE | Sec. 9 Twp 01S Rge 14E  | CAMAS County |
| GROUND WATER | SWNWSW | Sec. 10 Twp 01S Rge 14E | CAMAS County |
| GROUND WATER | SWNWSW | Sec. 10 Twp 01S Rge 14E | CAMAS County |

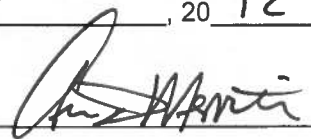
**WATER RIGHT NO. 37-2716**  
**As Modified by Transfer No. 78089**

**CONDITIONS OF APPROVAL**

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. Rights 37-2457 and 37-2716 when combined and from all points of diversion shall not exceed a total diversion rate of 2.73 cfs.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. Place of use is within the service area of the City of Fairfield municipal water supply system as provided for under Idaho Law.
5. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
6. The right holder shall accomplish the change authorized by this transfer within one year 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.

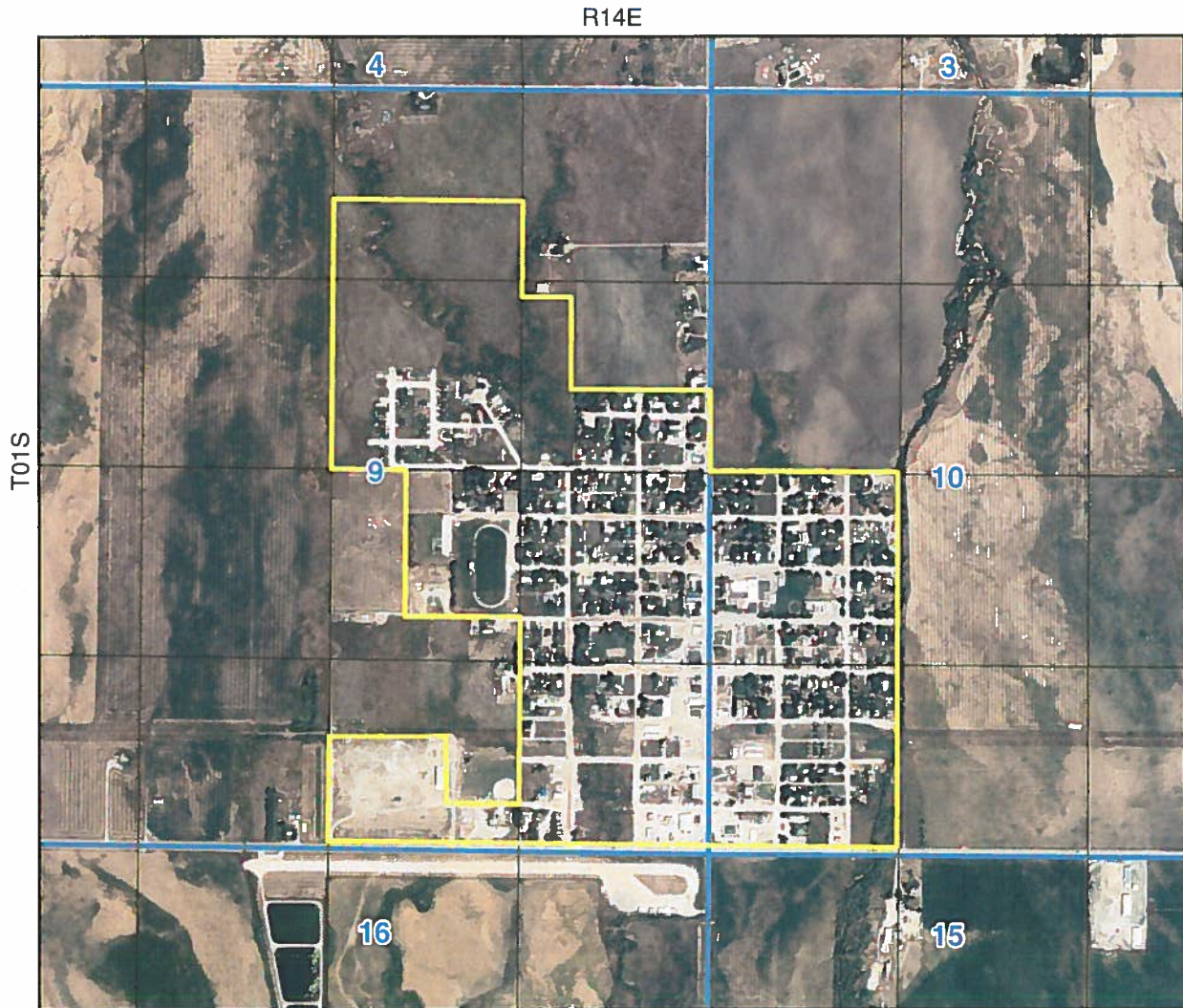
This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 26<sup>th</sup> day of October, 20 12

  
\_\_\_\_\_  
Southern Region Manager

State of Idaho  
Department of Water Resources  
**Transfer Of Water Right**

Transfer No. 78089  
Water Service Area Boundary for City Of Fairfield  
Rights: 37-2457, 37-2716



0 0.15 0.3 0.6 Miles

-  Water Service Area Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters





## 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](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

October 26, 2012

CITY OF FAIRFIELD  
PO BOX 336  
FAIRFIELD ID 83327

RE: Transfer No.: 78089  
Water Right No(s): 37-2457 37-2716

### 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 homepage 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 208-736-3033.

Sincerely,

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

Allen Merritt  
Southern Region Manager

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

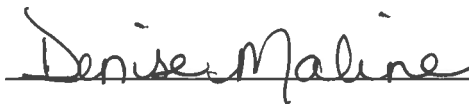
## **CERTIFICATE OF SERVICE**

I hereby certify that on October 26, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**RE:   TRANSFER NO.   78089**  
**WATER RIGHTS NOS.       37-2457     37-2716**

**CITY OF FAIRFIELD**  
**PO BOX 336**  
**FAIRFIELD ID 83327**

**SPF WATER ENGINEERING LLC**  
**C/O LORI GRAVES**  
**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.



## ~ Legal Notices ~ Legal Notices ~

**NOTICE OF SALE**

On the 6th day of December, 2012, at the hour of 10:00 o'clock A.M. on said date at the office of Camas County Courthouse, located at 501 Soldier Road, Fairfield, Idaho 83327, First American Title Company, as Trustee will sell at public auction to the highest bidder for cash in lawful money of the United States of America, payable in full at the time of the sale, the following described real property, located in the County of Camas, State of Idaho, more particularly described as follows:

**Parcel I**

Lot 13 in Block 1 of Royal Elk Valley Subdivision, according to the official plat thereof, recorded as Instrument No. 60173, records of Camas County, Idaho.

**Parcel II**

A parcel of land being a portion of the Portland Placer Claims, Portland No. 5, Camas County, Idaho and more particularly described as follows: Commencing at corner no. 4 of said Portland No. 5; Thence South 03°08'16" East along the Westerly boundary of Portland No. 5 for a distance of 2000.00 feet; Thence North 85°12'29" East for a distance of 603.86 feet to a point on the centerline of the South Fork of the Boise River and being the True Point of Beginning;

Thence continuing North 85°12'29" East for a distance of 353.08 feet for a point on the Westerly boundary of Lot 13, Block 1 of the Royal Elk Valley Subdivision;

Thence South 36°15'45" West along the Westerly boundary of Lot 13, Block 1 of the Royal Elk Valley Subdivision for a distance of 186.12 feet to the Northwest corner of Lot 14, Block 1 of the Royal Elk Valley Subdivision;

Thence South 87°36'10" West along a line that is the extension of the Southerly boundary of Lot 13 of the Royal Elk Valley Subdivision for a distance of 214.48 feet to a point in the center of the South Fork of the Boise River;

Thence North 30°14'28" West along the center of the South Fork of the Boise River for a distance of 44.96 feet;

Thence North 03°02'53" West along the center of the South Fork of the Boise River for a distance of 90.83 feet to the True Point of Beginning.

**Parcel III**

A Parcel of land being a portion of the Portland Placer Claims, Portland No. 5, Camas County, Idaho and more particularly described as follows: Commencing at corner No. 4 of said Portland No. 5, thence S03°08'16" E along the Westerly Boundary of Portland No. 5 for a distance of 2000.00 feet; Thence N85°12'29" E for a distance of 603.86 feet to a point on the centerline of the South Fork of the Boise River and Being the True Point of Beginning;

Thence along the centerline of the South Fork of the Boise River on the following courses:

N 03°02'53"W 44.28 feet; Thence N 33°03'05"E 30.86 feet;

Thence leaving the center of the South Fork of the Boise River N87°36'10"E for a distance of 379.11 feet to the Northwest Corner of Lot 13 Block 1 of the Royal Elk Valley Subdivision;

Thence S36°15'45"W along the Westerly Boundary of Lot 13 Block 1 of the Royal Elk Valley Subdivision for a distance of 70.00 feet;

Thence Leaving the Westerly Boundary of Lot 13 of the Royal Elk Valley Subdivision S85°12'29"W for a distance of 353.08 feet to the True Point of Beginning.

**Commonly known as:** Lot 13 Lot 1 Royal Elk Valley, Camas County, ID 83327

The street address or the designation commonly used for the property is Lot 13 Lot 1 Royal Elk Valley, Camas County, ID 83327. The

## ~ Legal Notices ~ Legal Notices ~

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 78089**

CITY OF FAIRFIELD, PO BOX 336, FAIRFIELD, ID 83327 has filed Application No. 78089 for changes to the following water rights within CAMAS County(s): Right No(s). 37-2457, 37-2716; to see a full description of these rights and the proposed transfer, please see [www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp](http://www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp). The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes drilling a new well (fourth well) and adding a point of diversion on two water rights currently authorized for a combined diversion rate of 2.73 cfs for municipal use in the City of Fairfield. The POU will not be changing. The proposed well is located in the SESW of Section 9, T01S, R14E within the City of Fairfield.

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 September 24, 2012. The protestant must also send a copy of the protest to the applicant.

**GARY SPACKMAN, Director**

*published on September 5th & 12th, 2012*

**Idaho Unclaimed Property**

The Idaho Unclaimed Property Program posts an updated list of Idaho Unclaimed Property owners on the internet once each month. This online list can be viewed at [sto.idaho.gov](http://sto.idaho.gov) (click on "Unclaimed Property"). Anyone without Internet access can view the list on computers at most public libraries. Unclaimed Property consists of abandoned bank accounts, forgotten refund checks, utility deposits, gift certificates, and more.

name, address and telephone number of the person or firm from whom information may be obtained is Bruce Hunsaker, P.O. Box 1188, Burley, Idaho 83318, (208) 678-2552.

The sale will be made without covenant or warranty regarding the title, possession or encumbrances to satisfy the obligations secured by and pursuant to the power of sale conferred in the Deed of Trust executed by Shaun Shafer, Lori Shafer, Lee Satterwhite and Sherry Satterwhite, as Grantor, to First American Title Company as Trustee, and D.L. Evans Bank as Beneficiary, dated December 13<sup>th</sup>, 2007, and recorded on the 26<sup>th</sup> day of December, 2007 as Instrument No. 2007-081203 in the office of the County Recorder for Camas County, Idaho. The default for which said sale is to be made is the failure to pay monthly installments for the months of December, 2010 through May of 2012, in the sum of \$1,529.82 each. The balance owing as of this date on the obligations secured by the Deed of Trust is \$159,947.70 together with accruing interest, and costs of sale.

DATED this 6th day of August, 2012.

FIRST AMERICAN TITLE COMPANY - Dalia Martinez, Trust Officer

*published on 8/22, 8/29, 9/05 & 9/12, 2012*