

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76372

This is to certify that: CITY OF NOTUS
 PO BOX 257
 NOTUS ID 83656-0257
 (208)459-6212

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>
63-12189	WR/License	03/07/1995	1.5 cfs	N/A	N/A	N/A	GROUND WATER
63-3075	WR/Decreed	01/30/1956	1.2 cfs	N/A	N/A	N/A	GROUND WATER
63-12467	WR/License	09/04/1998	1 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-12189	NO	YES	NO	NO	NO	NO
63-3075	NO	YES	NO	NO	NO	NO
63-12467	NO	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

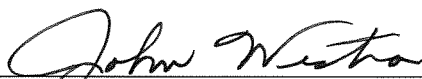
<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-12189	63-12189	1.5 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
63-3075	63-3075	1.2 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
63-12467	63-12467	1 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		2.7 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 29th day of May, 20 12

SUPPORT DATA

IN FILE # 63-3075



John Westra, Western Regional Manager

SCANNED

MAY 29 2012

WATER RIGHT NO. 63-3075
As Modified by Transfer No. 76372

In accordance with the approval of Transfer No. 76372, Water Right No. 63-3075 is now described as follows.

Right Holder: CITY OF NOTUS
PO BOX 257
NOTUS ID 83656-0257

Priority Date: January 30, 1956

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	1.20 CFS
			1.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNE	Sec. 34 Twp 05N Rge 04W CANYON County
GROUND WATER	SWNE	Sec. 34 Twp 05N Rge 04W CANYON County
GROUND WATER	NWSE	Sec. 34 Twp 05N Rge 04W CANYON County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Notus municipal water supply system as provided for under Idaho Law.
2. 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.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. 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.

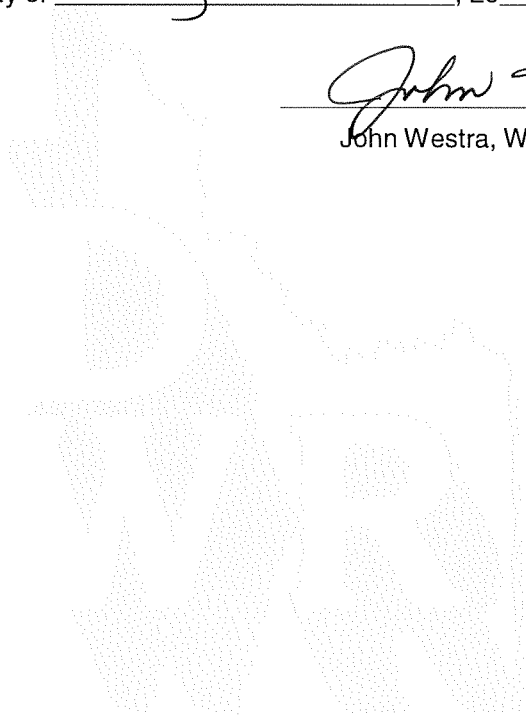
WATER RIGHT NO. 63-3075
As Modified by Transfer No. 76372

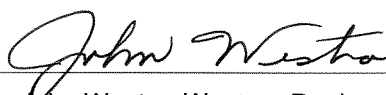
CONDITIONS OF APPROVAL

7. Rights 63-3075, 63-12189 and 63-12467 when combined shall not exceed a total diversion rate of 2.7 cfs
8. The following rights are diverted through point(s) of diversion described above: 63-3075, 63-12189, 63-12467.

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 29th day of May, 20 12





John Westra, Western Regional Manager

WATER RIGHT NO. 63-12189
As Modified by Transfer No. 76372

In accordance with the approval of Transfer No. 76372, Water Right No. 63-12189 is now described as follows.

Right Holder: CITY OF NOTUS
PO BOX 257
NOTUS ID 83656-0257

Priority Date: March 07, 1995

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	SWNE	Sec. 34 Twp 05N	Rge 04W CANYON County
GROUND WATER	SWNE	Sec. 34 Twp 05N	Rge 04W CANYON County
GROUND WATER	NWSE	Sec. 34 Twp 05N	Rge 04W CANYON County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Notus municipal water supply system as provided for under Idaho Law.
2. 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.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. 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.

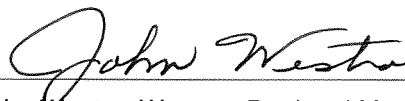
WATER RIGHT NO. 63-12189
As Modified by Transfer No. 76372

CONDITIONS OF APPROVAL

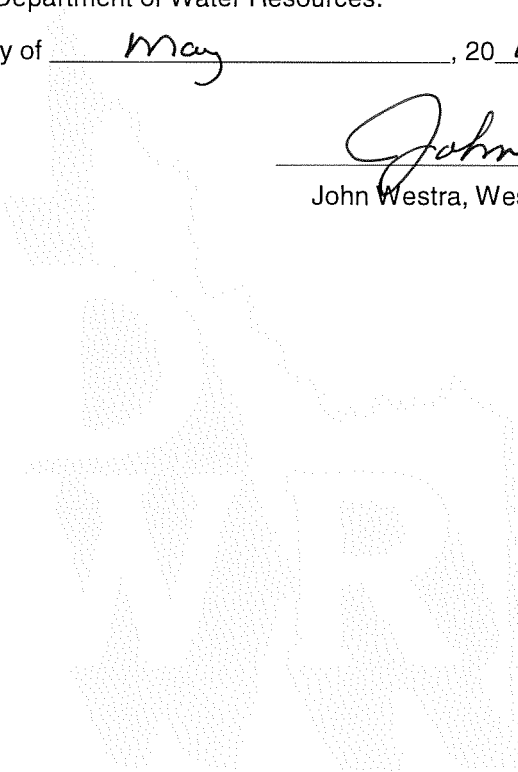
7. Rights 63-3075, 63-12189 and 63-12467 when combined shall not exceed a total diversion rate of 2.7 cfs
8. The following rights are diverted through point(s) of diversion described above: 63-3075, 63-12189, 63-12467.

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 29th day of May, 20 12



John Westra, Western Regional Manager



WATER RIGHT NO. 63-12467
As Modified by Transfer No. 76372

In accordance with the approval of Transfer No. 76372, Water Right No. 63-12467 is now described as follows.

Right Holder: CITY OF NOTUS
PO BOX 257
NOTUS ID 83656-0257

Priority Date: September 04, 1998

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	1.00 CFS
			1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNE	Sec. 34 Twp 05N	Rge 04W CANYON County
GROUND WATER	SWNE	Sec. 34 Twp 05N	Rge 04W CANYON County
GROUND WATER	NWSE	Sec. 34 Twp 05N	Rge 04W CANYON County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Notus municipal water supply system as provided for under Idaho Law.
2. 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.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. 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.

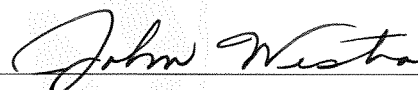
WATER RIGHT NO. 63-12467
As Modified by Transfer No. 76372

CONDITIONS OF APPROVAL

7. Rights 63-3075, 63-12189 and 63-12467 when combined shall not exceed a total diversion rate of 2.7 cfs
8. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use <or where the use of surface water was replaced by the use of water diverted in connection with this right before the approval of Transfer 73425>. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
9. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
10. The following rights are diverted through point(s) of diversion described above: 63-3075, 63-12189, 63-12467.

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 29th day of May, 20 12



John Westra, Western Regional Manager

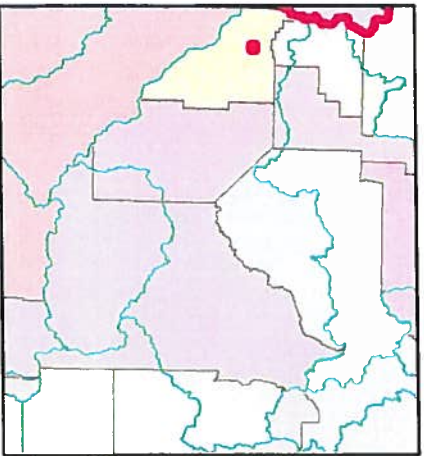
City Of Notus

TRANSFER #76372



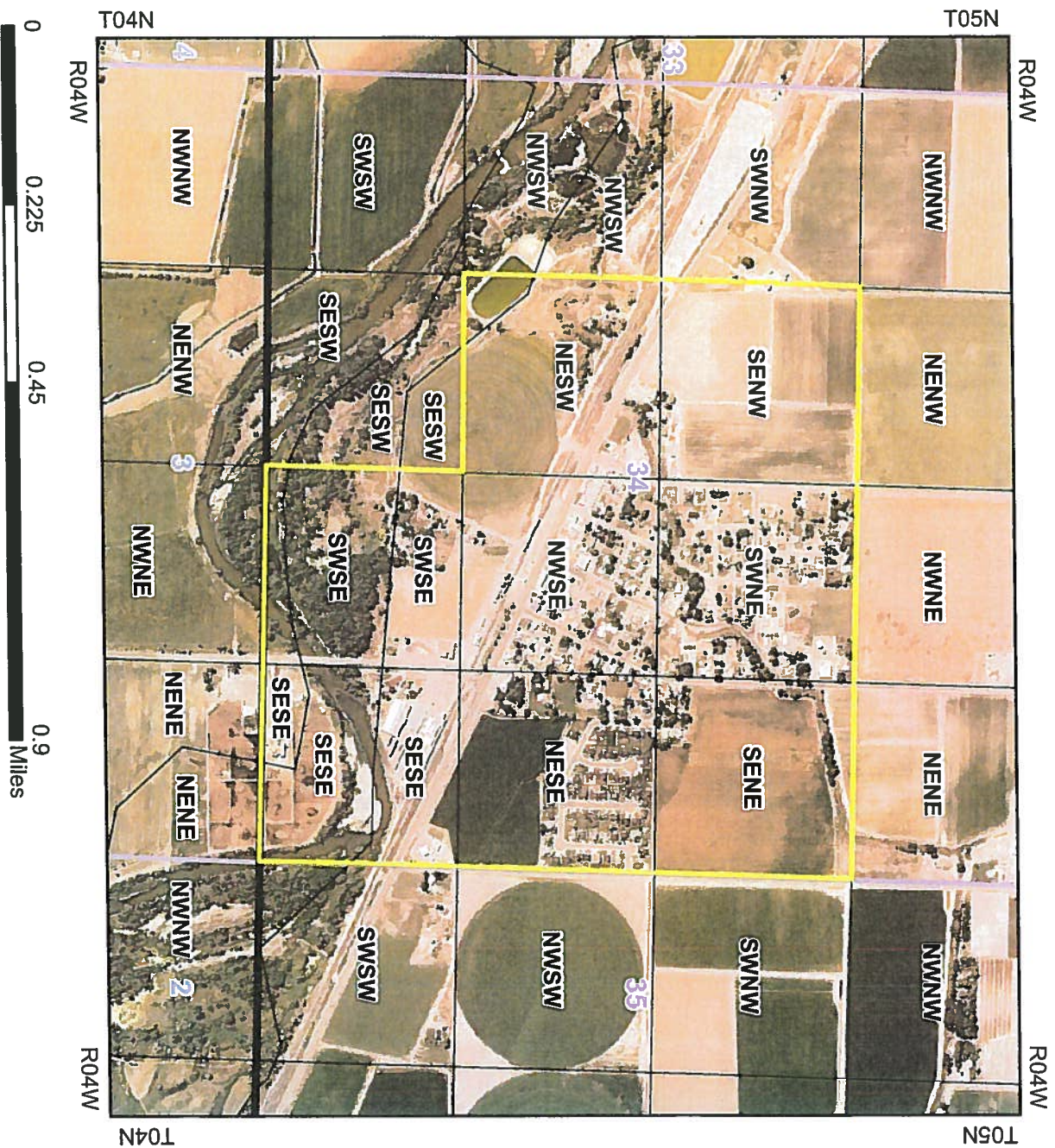
Municipal Service Area Boundary
GIS Place of Use Illustration

- Service Area
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Canyon County
IDWR Basin 63

Prepared by Curtis, Sharla
On April 02, 2012
2009 Aerial Photography





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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

May 29, 2012

CITY OF NOTUS
PO BOX 257
NOTUS ID 83656-0257

RE: Transfer No.: 76372
Water Right No(s): 63-3075 63-12189 63-12467

Transfer Approval Notice

Dear Water Right Holder:

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

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

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

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's 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 208-334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read "John Westra", with the word "for" written below it.

John Westra

Western Regional Manager

Enclosure(s)

cc: PHARMER ENGINEERS

Mandi Pearson
Office Specialist II

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.

29512 654215

1 IDAHO DEPT. OF WATER RESOURCES

WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)

County of Canyon)

)SS.

Amanda Weaver
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

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

That said notice was published the following:
04/19/2012 04/26/2012

Amanda Weaver
STATE OF IDAHO)

County of Canyon)

On this 26th day of April in the year of
2012 before me a Notary Public, personally appeared.
Amanda Weaver, known or identified
to me to be the person whose name is subscribed
to the within instrument, and being by me first
duly sworn, declared that the statements therein
are true, and acknowledge to me that he/she
executed the same.

Vicki C Bass

Notary Public for Idaho

Residing at Caldwell

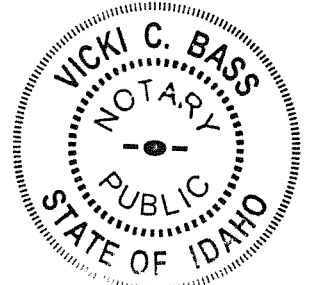
My Commission expires 04/19/2014

RECEIVED

MP

APR 27 2012

WATER RESOURCES
WESTERN REGION



LEGAL NOTICE

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

63-33486

STEVE BOSCHMA
5592 KUNA RD
KUNA, ID 83634

Point of Diversion: 3 points
in SESW S19 T02N R01W, 1
point in L4 (SWSW) CANYON
County Source GROUND
WATER

Use: COMMERCIAL &
STOCKWATER 01/01 to
12/31 at 0.45 cfs each

Total Diversion: 0.45 CFS

Date Filed: 3/3/2011

Place of Use: COMMERCIAL & STOCKWATER

T02N R01W S19 NESW
L4(SWSW) SESW

Water bearing zone to be appropriated is from 234 to 240 feet.

Commercial use is for a dairy.

63-33619

ZACHARY &/or TRISHA
BEUTLER

11809 SHALAKO RD
CALDWELL, ID 83607

Point of Diversion: L7
(SWSW) S6 T05N R02W
CANYON County Source
GROUND WATER

Use: IRRIGATION 03/01 to
11/15 0.1 CFS, STOCKWATER
01/01 to 12/31 0.02 CFS

Total Diversion: 0.12 CFS

Date Filed: 4/2/2012

Place of Use: IRRIGATION
& STOCKWATER

T05N R02W S6 L7
(SWSW)

Total Acres: 3.4

Water bearing zone to be appropriated is from 294 to 304 feet.

PROPOSED CHANGE OF WATER RIGHTS

The City of Notus of PO Box 257, Notus, Idaho 83656, filed Application No. 76372 to transfer three water rights with 1956 to 1998 priority dates from ground water totaling 2.7 cfs. The purpose of the transfer is to change the points of diversion of the three rights to correctly reflect the combined diversion and delivery system. Water will be used at the current place of use which is the City of Notus municipal service area.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 5/7/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,
Interim Director

April 19, 26, 2012

654215

all OK
MP 09/12



CHAD

APR 19 2012

APR 19 2012

Music, Vicky

From: Jesse Neilson [jneilson@pharmereng.com]
Sent: Thursday, April 12, 2012 2:02 PM
To: Music, Vicky
Subject: RE: Notus mailing address

Vicky,

PO Box 257
Notus, ID 83656

I just checked and that is the same address that the missing January correspondence was sent to. I told the girls at the front desk to keep an eye out for IDWR correspondence. Thanks for confirming.

Regards,
Jesse Neilson, PE

From: Music, Vicky [<mailto:Vicky.Music@idwr.idaho.gov>]
Sent: Thursday, April 12, 2012 1:50 PM
To: Jesse Neilson
Subject: Notus mailing address

Hi Jesse – will you please verify with the City what the official mailing address is? We have a couple of them now and due to your not receiving my letter in January, want to confirm. Thanks – the transfer will be advertised soon.

Vicky Music
Sr. Water Resource Agent
IDWR Western Region
2735 Airport Way
Boise, ID 83705
208.334.2190

MEMORANDUM

TO: Transfer No. 76372 File

FROM: Vicky Music

DATE: March 15, 2012

RE: Evaluation of Sufficiency of Information Submitted

The City has three water rights that have a common diversion and delivery system: 63-3075, 63-12189 and 63-12467. The transfer proposes to change the three rights to better represent the common system by adding/changing the points of diversion for all of the rights to City well nos. 1, 2 and 4.

The site is the service area of the City of Notus, approximately 6.5 miles northwest of Caldwell, Idaho. Contact person for the applicant is the city engineer, Jesse Neilson, P.E.

Deviations from Transfer Policy Standards

The transfer was filed 3/1/2010 and originally proposed to transfer the rights listed above and 63-28218. The transfer proposed to split 63-28218 between The City and the Notus School District and the City provided an agreement between the City and the School District regarding how the right should be split. However, 63-28218 had been decreed disallowed with prejudice by the SRBA Court in 2009. This was a deviation from IDWR policy that prevented processing.

Another problem with the transfer was that 63-12467 was a permit and not a water right when originally filed. The transfer process only allows changes to water rights. This deviation prevented processing. The permit was licensed in March 2012.

I informed the City Engineer about these deviations. The transfer application was amended to delete 63-28218 from the application in March 2012. Because the City did not know how it would handle this change with the School District, the City decided to eliminate the split from the transfer and let the School District submit its own application.

By the time the transfer was amended, the permit 63-12467 had been licensed and transfer processing could proceed. The amended transfer listed an incorrect total diversion rate of 3.7 cfs for the three rights [limited to a 2.7 cfs combined rate] and listed Well No. 3 rather than Well No. 2 as a POD. Well No. 3 is no longer owned by the City. This page of the transfer was corrected and processing can continue.

Summary of Information Submitted

Authority to File:

The applicant is the owner of record for the water rights that are the subject of this transfer and have the authority to file the application.

Water Right Validity:

Right no. 63-3075 is presumed to be valid because the partial decree was issued in 2009, within the past five year period. SRBA is not applicable to right no. 63-12189, developed after 1987. The right is presumed to be valid and recent beneficial use confirmed via the field exam for 63-12467, conducted on 10/11/11. Right no. 63-12467 is presumed to be valid based on license issued within the past five year period. SRBA is not applicable to this right developed after 1987.

Injury to Other Water Rights:

No injury to other rights is expected from the changing the description of the PODs so that the three operational wells are the PODs for the rights.

Enlargement of Use:

The transfer does not propose enlargement of diversion rate or volume or the place of use.

Local Public Interest:

Approving this transfer for a municipality is in the public interest.

Beneficial Use/Conservation of Water Resources:

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

Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the application.

Additional Information/Analysis and Discussion

The applicant provided the additional information requested. The application will not be parallel processed with the SO, so there is not a need to seek agreement with the SO.

A well conveyance agreement for well no. 3, a mutual release and a settlement memorandum between the City of Notus and the Notus School District No. 135 was submitted with the original application for transfer. These attachments were to provide documentation for a split of water right 63-28218 between the city and the school district. However, SRBA claim no. 63-28218 was decreed as disallowed with prejudice by the SRBA Court before the transfer was filed.

I informed the City Engineer of the need to delete the right from the transfer and he notified the attorneys who relayed back to us that they would work on an addendum or new agreement with the school district to transfer a portion of a valid water right and have it ready soon.

After several months, the City Engineer discovered the attorneys were not working on an agreement so this amended transfer will only change the description of the PODs and include newly licensed 63-12467 in the common system. This will be “cleaner” because the school district can file its own transfer to split whatever right is finally agreed upon.

IDWR analysis is complete and no additional analysis is needed other areas of IDWR to complete an adequate review of information, issues &/or legal questions.

Watermaster comments will not be solicited. There is no reason to solicit comments from other individuals or entities.

Data entry affected the correct records and the 63-3075 partial decree was issued and the results migrated to wr records.

SRBA status was provided in elsewhere in this memo.

The three City rights being transferred are both POD and POU overlaps and there are no other overlapping rights on the POU or the PODs.

Mitigation is not an issue and the rights are not in the Water Bank.

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.

Condition 046 n/a because new wells are not proposed.