

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77773

This is to certify that: FEATHERVILLE TOWNSITE WATER CORP
 C/O JONI VANN
 130 W 15TH N
 MOUNTAIN HOME ID 83647
 (208)587-6360

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>
63-19448	WR/Decreed	06/01/1951	0.2 cfs	14.4 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

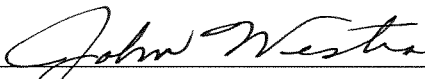
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-19448	NO	NO	NO	YES	NO	NO

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>
63-19448	63-19448	0.2 cfs	14.4 af	N/A			N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.2 cfs	14.4 af	N/A			N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 3rd day of May, 2012


 Western Regional Manager

WATER RIGHT NO. 63-19448
As Modified by Transfer No. 77773

In accordance with the approval of Transfer No. 77773, Water Right No. 63-19448 is now described as follows.

Right Holder: FEATHERVILLE TOWNSITE WATER CORP
 C/O JONI VANN
 130 W 15TH N
 MOUNTAIN HOME ID 83647

Priority Date: June 01, 1951

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01	to 12/31	0.20 CFS	14.4 AF
			0.20 CFS	14.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENW Sec. 10 Twp 03N Rge 10E ELMORE County

GROUND WATER SWNW Sec. 10 Twp 03N Rge 10E ELMORE County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	10E	10																	
									X	X									
									L 4	L 3									

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right does not grant any right-of-way or easement across the land of another.
6. Domestic use is for 24 homes.

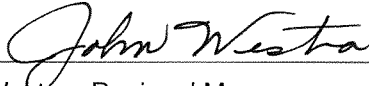
WATER RIGHT NO. 63-19448
As Modified by Transfer No. 77773

CONDITIONS OF APPROVAL

7. The quantity of water decreed for this water right is not a determination of historical beneficial use.

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 3rd day of May, 20 12


Western Regional Manager





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 4, 2012

FEATHERVILLE TOWNSITE WATER CORP
C/O JONI VANN
130 W 15TH N
MOUNTAIN HOME ID 83647

RE: Transfer No.: 77773
 Water Right No(s): 63-19448

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". The signature is written in a cursive style with a large initial "J" and "W".

John Westra

Western Regional Manager

Enclosure(s)

cc: civil dynamics

CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 77773
WATER RIGHTS NOS. 63-19448

CIVIL DYNAMICS
C/O MICHAEL MARTIN
5105 S 10TH AVE
CALDWELL ID 83607

FEATHERVILLE TOWNSITE WATER CORP
C/O JONI VANN
130 W 15TH N
MOUNTAIN HOME ID 83647

A handwritten signature in cursive script, appearing to read "Mandi Pearson", is written over a horizontal line.

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.

AFFIDAVIT OF PUBLICATION

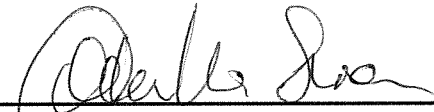
County of Elmore }
State of Idaho }55

I, **Coleen W. Swenson**, do solemnly swear that I am the Publisher of the:

Mountain Home News

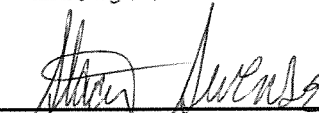
A weekly newspaper of general circulation, published once a week, in Mountain Home, Idaho, that the notice attached hereto which is a part of publication thereof; was published in said newspaper for 2 consecutive weeks, the first publication having been made on the 7th day of March, 2012, and the last publication having been made on the 14th day of March, 2012; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the paper proper and not in a supplement thereof.

And I further swear that the said Mountain Home News has been continuously and uninterruptedly published in said Elmore County during the period of 78 consecutive weeks prior to the first publication of the attached notice.



Publisher

Subscribed and sworn to me this 14th day of March, 2012.



Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires **11-17-2017**.

PROPOSED CHANGE OF WATER RIGHT(S)

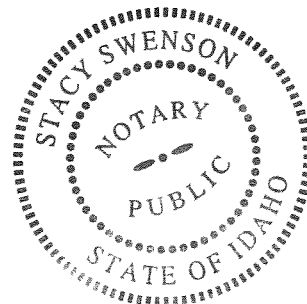
Featherville Townsite Water Corporation C/O Joni Vann of 130 W 15th N, Mtn. Home ID 83647 filed Application No. 77773 to transfer one water right with a 1951 priority date from ground water totaling 0.20 cfs. The purpose of the transfer is to add a proposed well as a point of diversion. The new well will be about 0.3 mile northeast of the existing well. Water will be used at the current place of use within the town of Featherville.

For additional information concerning the property location, please contact Western Region office at 208-334-2190 or see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.aspx for a full description of the right(s) and the proposed transfer. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Any protest against the proposed change must be filed with the Director, IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 3/26/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

First Publication: March 7, 2012.

Last Publication: March 14, 2012.



MEMORANDUM

TO: Transfer No. 77773
FROM: Angie Grimm
DATE: February 27, 2012
RE: Evaluation of Application

The transfer proposes to add a PD to right 63-19448. The water right owner plans to drill a second well to tie into their existing public water supply (PWS) that provides water to several homes in the town of Featherville.

The proposed PD will be drilled on the north side of S Boise River Rd just before it intersects NF – 61 approximately 0.25 miles northeast of the town of Featherville. The applicant's PWS provides domestic water to residences in Featherville.

Contact person for the applicant is Mike Martin, Civil Dynamics.

Deviations from Transfer Policy Standards

The applicant proposes to maintain the current PD (Well #1) and add a new PD (Well #2) to right 63-19448. Well #1 is recorded as being in the SESWNW Sec10 T3N R10E. However, Well #1 was deepened in 2010 (Well tag #D0057798 placed on well at that time) and the driller GPS location reported at that time indicates the well is actually in the NWNWSW portion of Gov't Lot 4 Sec 10 T3N R10E. The GPS location for Well #1 plots within 20 ft of the 40 ac-tract line. Considering the GPS location plots so close to the line, it is difficult to say, with any degree of certainty, which 40 ac-tract the well is in. Therefore, the applicant was not asked to amend the application to change the legal description currently recorded for Well #1. Considering the GPS location recorded for Well #1 is so close to the 40 ac-tract line, the transfer approval has been drafted to record the PD for Well #1 to the 40 ac-tract rather than the 10 ac-tract. Also, considering the proposed well (Well #2) has not been drilled and is not required to be described to the 10 ac-tract, the location of the proposed PD is being recorded to the 40 ac-tract despite the applicant including 10 ac-tract location information on the application. A database comment will be placed on the record of right 63-19448 and the ArcMap shapes for both PDs will confirm the location of the wells to the 10 ac-tract to retain the information in the water right record without having to list the PDs to the 10 ac-tracts on the transfer approval.

Summary of Information Submitted

Authority to File: The applicant is the owner of record of the right proposed for transfer. As the owner of record, the applicant has authority to change the right. The application states the applicant owns the property upon which the proposed well will be drilled. However, 2010 Elmore Co tax lot data indicates the property is not owned by the applicant. The transfer approval shall be drafted to include condition #004 (right does not authorize trespass) to address this issue.

Water Right Validity: Right presumed to be valid because the partial decree was issued 4/21/2003 and recent beneficial use confirmed via presence of homes within PU on 2011 aerial photography and IDEQ documentation dated 2012 related to regulation of the system as a PWS within the past five year period. The IDEQ documentation was submitted as an attachment with the transfer application.

Injury to Other Water Rights: Injury should not occur under this proposal provided use of the new well does not interfere with nearby wells. The new well has not been drilled yet. The existing well was originally drilled to a depth of 188 ft with an open interval from 18 ft to 188 ft. It was deepened in 2010 extending the open interval (water bearing zone) down to 435 ft. Therefore, the current PD for this right has historically diverted water from a depth less than AND greater than 200 ft in the Basin 63 Ground Water Restricted Area. No matter what water bearing zone the new well is completed with, injury to Boise River rights upstream of Star should not occur provided no enlargement of use occurs. On 2/27/2012, the applicant's representative indicated the new well will likely be drilled to 80 ft with a screened interval from 50 to 80 ft. The new well will be within 0.5 miles of the current well and completed into the same general aquifer zone. As a ground water right, use of the proposed well is subject to reasonable pumping level provisions of I.C. § 42-226. There are a few domestic wells in fairly close proximity to the existing and proposed wells in this area of no known ground water shortages. Considering the applicant is not proposing to increase diversion beyond authorized limits, it is not likely the proposed PD addition will impact ground water supply in the area.

Enlargement of Use: The diversion rate and annual diversion volume will not increase as a result of this transfer. The applicant does not propose to enlarge use of water for domestic purposes under this right.

Local Public Interest: Allowing the applicant to add a new well with better water quality to this PWS system serves the local public interest. The applicant is in the process of seeking approval for the new well as part the existing PWS under regulation of IDEQ.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

Data entry affected the water right record of right 63-19448. This right was decreed in the SRBA on 4/21/2003, the results of which were migrated to the water right record prior to data entry of this transfer.

No overlapping rights are associated with the current PD. The proposed well is not yet drilled. Water right 63-19447 authorizes use of spring water for the same diversion system as right 63-19448, i.e. these rights have the same PU. This transfer does not propose to change the PU; therefore right 63-19447 does not need to be involved in this transfer process. There are no other applicable overlapping rights.

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 is applicable since a new well is proposed.

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT *PRIVATE CLAIMS* **General Land**

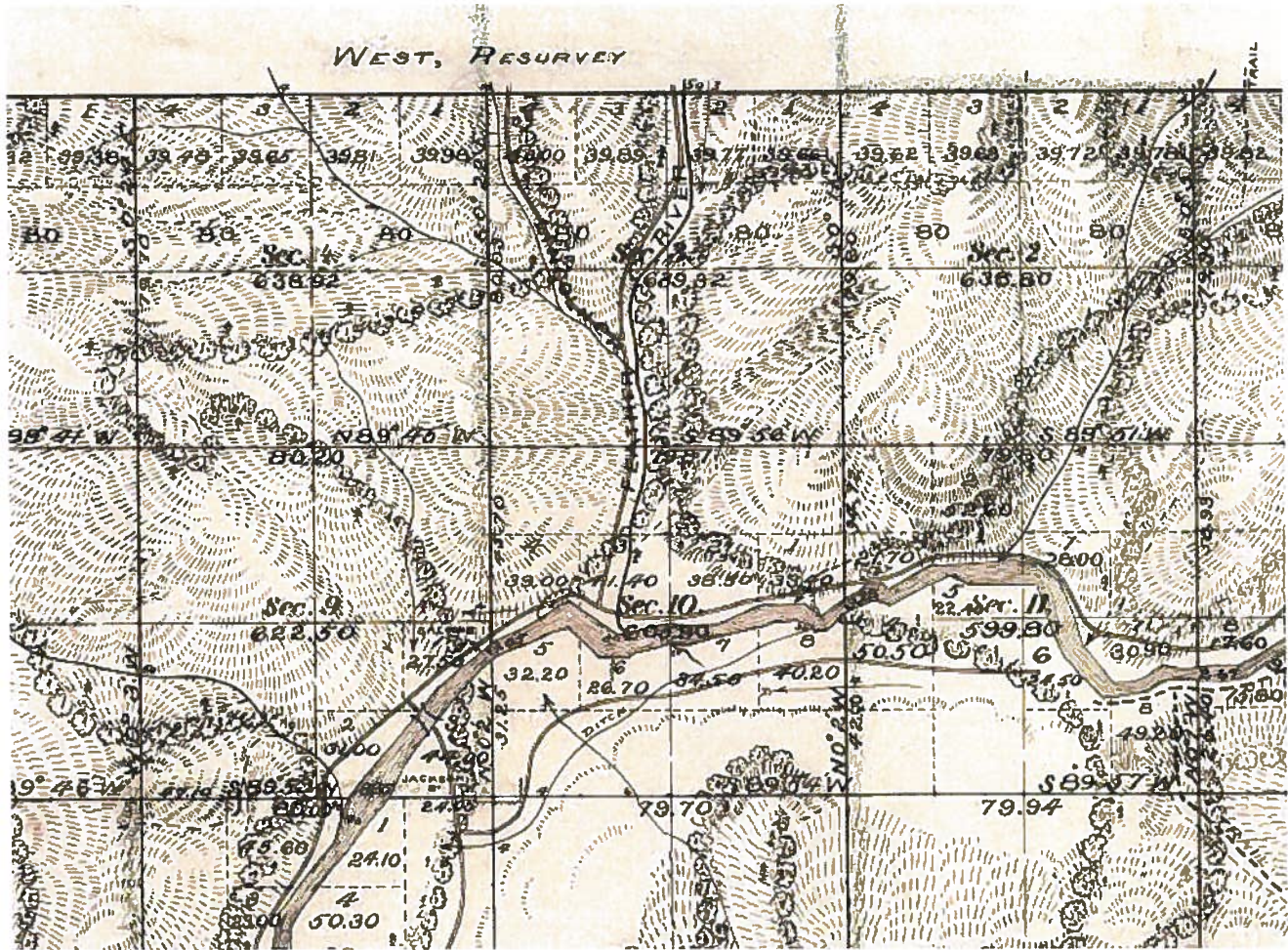
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DM ID: **43535** Survey Type: [Original Survey](#) State: **Idaho**

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Sheet: **1** Description: ---



WEST, RESURVEY

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Sec. 10

Sec. 11

Sec. 6

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