

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77618

This is to certify that: CITY OF EMMETT
501 E MAIN ST
EMMETT ID 83617
(208)365-6050

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>
65-12729	WR/License	02/26/1985	2.79 cfs	N/A	N/A	N/A	GROUND WATER
65-10	WR/Decreed	01/01/1948	1.34 cfs	N/A	N/A	N/A	GROUND WATER
65-16	WR/Decreed	01/01/1927	1.56 cfs	N/A	N/A	N/A	GROUND WATER
65-17	WR/Decreed	01/01/1913	1.11 cfs	N/A	N/A	N/A	GROUND WATER
65-19	WR/Decreed	01/01/1957	3.34 cfs	N/A	N/A	N/A	GROUND WATER
65-7520	WR/Decreed	12/16/1974	2.46 cfs	N/A	N/A	N/A	GROUND WATER
65-7341	WR/Decreed	03/03/1973	4.5 cfs	N/A	N/A	N/A	GROUND WATER
65-13805	WR/License	10/23/1998	4.46 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

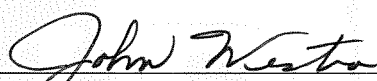
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
65-12729	NO	YES	NO	YES	NO	NO
65-10	NO	YES	NO	YES	NO	NO
65-16	NO	YES	NO	YES	NO	NO
65-17	NO	YES	NO	YES	NO	NO
65-19	NO	YES	NO	YES	NO	NO
65-7520	NO	YES	NO	YES	NO	NO
65-7341	NO	YES	NO	YES	NO	NO
65-13805	NO	YES	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
65-12729	65-12729	2.79 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
65-10	65-10	1.34 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
65-16	65-16	1.56 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
65-17	65-17	1.11 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
65-19	65-19	3.34 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
65-7520	65-7520	2.46 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
65-7341	65-7341	4.5 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
65-13805	65-13805	4.46 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED TOTALS		17.1 cfs					N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 31st day of January, 2012


 John Westra, Western Regional Manager

WATER RIGHT NO. 65-10
As Modified by Transfer No. 77618

In accordance with the approval of Transfer No. 77618, Water Right No. 65-10 is now described as follows.

Right Holder: CITY OF EMMETT
501 E MAIN ST
EMMETT ID 83617

Priority Date: January 01, 1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	1.34 CFS
			1.34 CFS

LOCATION OF POINT(S) OF DIVERSION:

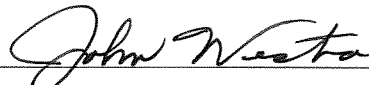
GROUND WATER	NENE	Sec. 7 Twp 06N Rge 01W GEM County
GROUND WATER	SESE	Sec. 7 Twp 06N Rge 01W GEM County
GROUND WATER	SESE	Sec. 8 Twp 06N Rge 01W GEM County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Emmett 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. The following rights are diverted through points of diversion described above: 65-10, 65-16, 65-17, 65-19, 65-7341, 65-7520, 65-12729 and 65-13805.
7. Rights 65-10, 65-16, 65-17, 65-19, 65-7341, 65-7520, 65-12729 and 65-13805 when combined shall not exceed a total diversion rate of 17.1 cfs.
8. The points of diversion listed above are also know as Well Nos. 6, 8 and 9.

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 31st day of January, 2012


John Westra, Western Regional Manager

WATER RIGHT NO. 65-16
As Modified by Transfer No. 77618

In accordance with the approval of Transfer No. 77618, Water Right No. 65-16 is now described as follows.

Right Holder: CITY OF EMMETT
501 E MAIN ST
EMMETT ID 83617

Priority Date: January 01, 1927

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	1.56 CFS
			1.56 CFS

LOCATION OF POINT(S) OF DIVERSION:

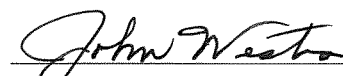
GROUND WATER	NENE	Sec. 7 Twp 06N Rge 01W GEM County
GROUND WATER	SESE	Sec. 7 Twp 06N Rge 01W GEM County
GROUND WATER	SESE	Sec. 8 Twp 06N Rge 01W GEM County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Emmett 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. Rights 65-10, 65-16, 65-17, 65-19, 65-7341, 65-7520, 65-12729 and 65-13805 when combined shall not exceed a total diversion rate of 17.1 cfs.
7. The following rights are diverted through points of diversion described above: 65-10, 65-16, 65-17, 65-19, 65-7341, 65-7520, 65-12729 and 65-13805.
8. The points of diversion listed above are also know as Well Nos. 6, 8 and 9.

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 31st day of January, 2012


John Westra, Western Regional Manager

WATER RIGHT NO. 65-17
As Modified by Transfer No. 77618

In accordance with the approval of Transfer No. 77618, Water Right No. 65-17 is now described as follows.

Right Holder: CITY OF EMMETT
501 E MAIN ST
EMMETT ID 83617

Priority Date: January 01, 1913

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	1.11 CFS
			1.11 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENE	Sec. 7 Twp 06N Rge 01W GEM County
GROUND WATER	SESE	Sec. 7 Twp 06N Rge 01W GEM County
GROUND WATER	SESE	Sec. 8 Twp 06N Rge 01W GEM County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Emmett 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. Rights 65-10, 65-16, 65-17, 65-19, 65-7341, 65-7520, 65-12729 and 65-13805 when combined shall not exceed a total diversion rate of 17.1 cfs.
7. The following rights are diverted through points of diversion described above: 65-10, 65-16, 65-17, 65-19, 65-7341, 65-7520, 65-12729 and 65-13805.
8. The points of diversion listed above are also know as Well Nos. 6, 8 and 9.

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 31st day of January, 2012


John Westra, Western Regional Manager

WATER RIGHT NO. 65-19
As Modified by Transfer No. 77618

In accordance with the approval of Transfer No. 77618, Water Right No. 65-19 is now described as follows.

Right Holder: CITY OF EMMETT
501 E MAIN ST
EMMETT ID 83617

Priority Date: January 01, 1957

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	3.34 CFS
			3.34 CFS

LOCATION OF POINT(S) OF DIVERSION:

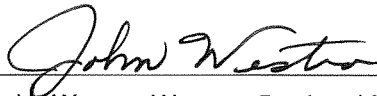
GROUND WATER	NENE	Sec. 7 Twp 06N Rge 01W GEM County
GROUND WATER	SESE	Sec. 7 Twp 06N Rge 01W GEM County
GROUND WATER	SESE	Sec. 8 Twp 06N Rge 01W GEM County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Emmett 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. Rights 65-10, 65-16, 65-17, 65-19, 65-7341, 65-7520, 65-12729 and 65-13805 when combined shall not exceed a total diversion rate of 17.1 cfs.
7. The following rights are diverted through points of diversion described above: 65-10, 65-16, 65-17, 65-19, 65-7341, 65-7520, 65-12729 and 65-13805.
8. The points of diversion listed above are also know as Well Nos. 6, 8 and 9.

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 31st day of January, 2012


John Westra, Western Regional Manager

WATER RIGHT NO. 65-7341
As Modified by Transfer No. 77618

In accordance with the approval of Transfer No. 77618, Water Right No. 65-7341 is now described as follows.

Right Holder: CITY OF EMMETT
501 E MAIN ST
EMMETT ID 83617

Priority Date: March 03, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	4.50 CFS
			4.50 CFS

LOCATION OF POINT(S) OF DIVERSION:

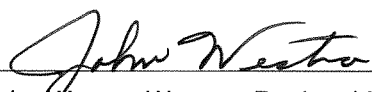
GROUND WATER	NENE	Sec. 7 Twp 06N Rge 01W GEM County
GROUND WATER	SESE	Sec. 7 Twp 06N Rge 01W GEM County
GROUND WATER	SESE	Sec. 8 Twp 06N Rge 01W GEM County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Emmett 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. Rights 65-10, 65-16, 65-17, 65-19, 65-7341, 65-7520, 65-12729 and 65-13805 when combined shall not exceed a total diversion rate of 17.1 cfs.
7. The following rights are diverted through points of diversion described above: 65-10, 65-16, 65-17, 65-19, 65-7341, 65-7520, 65-12729 and 65-13805.
8. The points of diversion listed above are also know as Well Nos. 6, 8 and 9.

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 31st day of January, 2012


John Westra, Western Regional Manager

WATER RIGHT NO. 65-7520
As Modified by Transfer No. 77618

In accordance with the approval of Transfer No. 77618, Water Right No. 65-7520 is now described as follows.

Right Holder: CITY OF EMMETT
501 E MAIN ST
EMMETT ID 83617

Priority Date: December 16, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	2.46 CFS
			2.46 CFS

LOCATION OF POINT(S) OF DIVERSION:

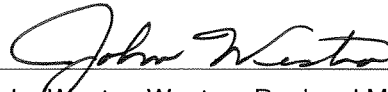
GROUND WATER	NENE	Sec. 7 Twp 06N Rge 01W GEM County
GROUND WATER	SESE	Sec. 7 Twp 06N Rge 01W GEM County
GROUND WATER	SESE	Sec. 8 Twp 06N Rge 01W GEM County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Emmett 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. Rights 65-10, 65-16, 65-17, 65-19, 65-7341, 65-7520, 65-12729 and 65-13805 when combined shall not exceed a total diversion rate of 17.1 cfs.
7. The following rights are diverted through points of diversion described above: 65-10, 65-16, 65-17, 65-19, 65-7341, 65-7520, 65-12729 and 65-13805.
8. The points of diversion listed above are also know as Well Nos. 6, 8 and 9.

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 31st day of January, 2012


John Westra, Western Regional Manager

WATER RIGHT NO. 65-12729
As Modified by Transfer No. 77618

In accordance with the approval of Transfer No. 77618, Water Right No. 65-12729 is now described as follows.

Right Holder: CITY OF EMMETT
501 E MAIN ST
EMMETT ID 83617

Priority Date: February 26, 1985

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	2.79 CFS
			2.79 CFS

LOCATION OF POINT(S) OF DIVERSION:

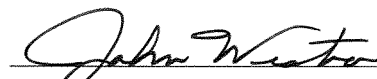
GROUND WATER	NENE	Sec. 7 Twp 06N Rge 01W GEM County
GROUND WATER	SESE	Sec. 7 Twp 06N Rge 01W GEM County
GROUND WATER	SESE	Sec. 8 Twp 06N Rge 01W GEM County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Emmett 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. Rights 65-10, 65-16, 65-17, 65-19, 65-7341, 65-7520, 65-12729 and 65-13805 when combined shall not exceed a total diversion rate of 17.1 cfs.
6. The following rights are diverted through points of diversion described above: 65-10, 65-16, 65-17, 65-19, 65-7341, 65-7520, 65-12729 and 65-13805.
7. The points of diversion listed above are also know as Well Nos. 6, 8 and 9.

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 31st day of January, 2012


John Westra, Western Regional Manager

WATER RIGHT NO. 65-13805
As Modified by Transfer No. 77618

In accordance with the approval of Transfer No. 77618, Water Right No. 65-13805 is now described as follows.

Right Holder: CITY OF EMMETT
501 E MAIN ST
EMMETT ID 83617

Priority Date: October 23, 1998

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	4.46 CFS
			4.46 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENE	Sec. 7 Twp 06N Rge 01W GEM County
GROUND WATER	SESE	Sec. 7 Twp 06N Rge 01W GEM County
GROUND WATER	SESE	Sec. 8 Twp 06N Rge 01W GEM County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Emmett 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. 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.
6. Rights 65-10, 65-16, 65-17, 65-19, 65-7341, 65-7520, 65-12729 and 65-13805 when combined shall not exceed a total diversion rate of 17.1 cfs.
7. The following rights are diverted through points of diversion described above: 65-10, 65-16, 65-17, 65-19, 65-7341, 65-7520, 65-12729 and 65-13805.
8. The points of diversion listed above are also known as Well Nos. 6, 8 and 9.

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 31st day of January, 2012


John Westra, 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

February 1, 2012

CITY OF EMMETT
501 E MAIN ST
EMMETT ID 83617

RE: Transfer No.: 77618
Water Right No(s): 65-10, 65-17, 65-19, 65-7341, 65-7520, 65-12729, 65-13805, 65-16
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 (www.idwr.idaho.gov) to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-334-2190.

Sincerely,

John Westra

Western Regional Manager

Enclosure(s)

cc: KELLER ASSOC INC

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.

CERTIFICATE OF SERVICE

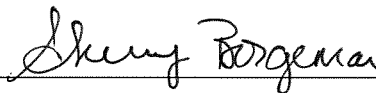
I hereby certify that on February 1, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 77618

WATER RIGHTS NOS. 65-10, 65-17, 65-19, 65-7341, 65-7520, 65-12729, 65-13805, 65-16

**CITY OF EMMETT
501 E MAIN ST
EMMETT ID 83617**

**KELLER ASSOC INC
ATTN JUSTIN WALKER
131 SW 5TH AVE STE A
MERIDIAN ID 83642**

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

**Sherry Borgeman
Administrative Assistant**

29512 595337

1 IDAHO DEPT. OF WATER RESOURCES

WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)

County of Canyon)

Barbara Spencer
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

PROPOSED CHANGE OF
WATER RIGHTS

The City of Emmett of 501 E Main St, Emmett, Idaho filed Application No. 77618 to transfer eight water rights with 1913 to 1998 priority dates from ground water totaling 17.1 cfs. The purpose of the transfer is to add a recently licensed well as a point of diversion to all of the municipal rights and to update the points of diversions for all of the City of Emmett municipal rights to the three wells that are operational. Water will be used at the current place of use which is the City of Emmett service area.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or see

www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the right(s) and the proposed transfer. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change 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 January 23, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,
Interim Director

Jan. 4, 11, 2012' 595337

RECEIVED

JAN 13 2012

WATER RESOURCES
WESTERN REGION

JOK
SB 1-13-2012

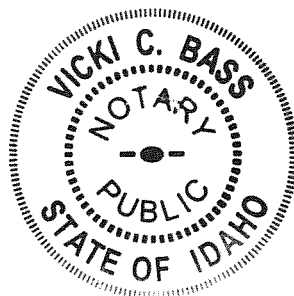
1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Emmett Messenger-Index, a weekly newspaper published in the City of Emmett, in the County of Gem, State of Idaho; that the said newspaper is in general circulation in the said County of Gem, and in the vicinity of Emmett, 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.
4. That said notice was published the following:
01/04/2012 01/11/2012

Barbara Spencer
STATE OF IDAHO)
County of Canyon)

On this 11th day of January in the year of 2012 before me a Notary Public, personally appeared. Barbara Spencer, 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 Nampa
My Commission expires March 20, 2013



MEMORANDUM

TO: Transfer No. 77618 File

FROM: Vicky Music

DATE: December 12, 2011

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to change or add the points of diversion of the eight City of Emmett water right nos. 65-10, 65-16, 65-17, 65-19, 65-7341, 65-7520, 65-12729 and 65-13805 so that all of the rights reflect that the PODs are wells #6, #8 and #9.

The site is the City of Emmett, Idaho.

Contact person for the applicant is consultant Justin Walker.

Deviations from Transfer Policy Standards

The application is the short form used only to change or add PODs. The application is complete and there are no deviations from IDWR policy.

Summary of Information Submitted

Authority to File:

The applicant, the City of Emmett, is the owner of record of the water rights and has the authority to file this application.

Water Right Validity:

The SRBA Court issued the partial decrees for six of the rights in 2002. Right nos. 65-12729 and 65-13805 were licensed after the commencement of the SRBA in 1987 and so SRBA claims were not required. All rights are presumed to be valid and recent beneficial use confirmed during the 2010 licensing exam conducted for 65-13805.

Injury to Other Water Rights:

No injury to other rights is expected from this simple application to change the rights to reflect that the 3 operational wells are the 3 PODs for all of the City's rights.

Enlargement of Use:

No enlargement of the diversion rate, diversion volume or consumptive use volume is proposed or expected.

Local Public Interest:

There are no apparent public interest issues.

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

There is no additional information applicant required from the applicant. The application will not be parallel processed so there is no need to seek agreement with a SO reviewer or to seek additional IDWR analysis from other programs within the Department.

Watermaster comments are unnecessary and will not be solicited, nor are there other entities or individuals from whom comments should be solicited.

The City of Emmett has eight water rights and three operational wells, referred to as well #6, well #8 and well #9. Many of the water rights describe as PODs wells that are no longer functional. The transfer proposes to eliminate the PODs that are non-functioning wells and update the PODs of all of the rights to reflect the three wells that are operational, which includes well #9, recently licensed as water right no. 63-13805.

Data entry affected the correct record. The SRBA partial decrees were issued and the results were migrated to wr records.

SRBA status was provided above.

All of the City's overlapping rights at the PODs and the POU are included in this transfer.

Mitigation is not an issue. None of the rights are 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 a new well is not proposed.