

Prehearing Conference Agenda
Shekinah Industries Inc.
Application for Transfer #73811

Date: December 07, 2011

Location : IDWR Western Regional Office

By: J. Westra

-Introductions

-Purpose of Conference/ Handouts—IDWR

- Formulate/simplify the issues*
- Discuss settlements, make settlement offers*
- Address matters that may expedite conduct of the proceeding*
- Schedule hearings, discovery*

-Issues/Concerns (*non-interrupted*)

Protestants: City of Mountain Home
Mayfield Townsite LLC
Nevid LLC
G3 LLC

-Remarks/Clarifications (*non-interrupted*)

Applicant

-Comments/Questions—IDWR

-Discussion

-Options /Framework

-Specific Dates and Deadlines

PRE-HEARING CONFERENCE AND/OR HEARING PROCEDURE APPLICATION FOR TRANSFER

ISSUES

Applications for transfer are filed for the purpose of changing a point of diversion, purpose of use, period of use or nature of use of all or part of a licensed, decreed or statutory water right. Section 42-222, Idaho Code, identifies the following potential issues for the department to consider in connection with an application for transfer:

1. Will the proposed transfer reduce the quantity of water under existing water rights?
2. Will the proposed transfer constitute an enlargement in use of the original right?
3. Will the proposed transfer be contrary to the conservation of water resources within the State of Idaho?
4. Will the proposed transfer conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use and its potential effects on the public water source?
5. Will the proposed transfer adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?
6. If the proposed transfer is for a municipal use, is it necessary to provide reasonably anticipated future needs for a municipal service area and is the planning horizon consistent with Sections 42-222 and 42-202B, Idaho Code?
7. Will the proposed transfer change the nature of use from an agricultural use, and would such a change significantly affect the agricultural base of the local area?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 5, 6, and 7 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 4, if applicable, lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

Page 1 of 15STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES61-2154
73811
Transfer No. 73811APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

AMENDMENT

Name of applicant Idaho Water Company Phone 208-825-5617
Post Office address 1135 Valley Road South Eden, Idaho 83325

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Split water rights, & create a new permissible
Place of use.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|-------------------|-----------------------|-------------------|------------------------------|
| <u>61-7119</u> | <u>7/10/1972</u> | <u>1.55/310.9</u> | <u>Irrigation</u> | <u>03/15</u> to <u>11/15</u> |
| <u>61-7396</u> | <u>01/04/1980</u> | <u>0.65/189.8</u> | <u>Irrigation</u> | <u>03/15</u> to <u>11/15</u> |
| <u>61-2154</u> | <u>01/14/1963</u> | <u>1.61/320.4</u> | <u>Irrigation</u> | <u>03/15</u> to <u>11/15</u> |
| <u>61-10378</u> | <u>04/30/1974</u> | <u>0.24/-</u> | <u>Irrigation</u> | <u>03/15</u> to <u>11/15</u> |
| <u>61-7005</u> | <u>08/23/1967</u> | <u>1.55/379.7</u> | <u>Irrigation</u> | <u>03/01</u> to <u>10/15</u> |
| <u>61-2155</u> | <u>01/14/1963</u> | <u>1.74/365.4</u> | <u>Irrigation</u> | <u>04/01</u> to <u>10/31</u> |
2. Total amount of water being transferred 5.56 cubic feet per second and/or 1476.0 acre-feet per annum.
3. Source of water Ground Water tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
								SEE ATTACHMENT A

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1S	4E	14									40	40	40	40					160
1S	4E	23	30	40	40	40	40	22	40	40	40	40	40	40	40	40	40	40	612
1S	4E	24						1	22		12	40	40	37					152

Total acres 924*

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*Irrigation limited to 369 acres in new 924 acre Place of Use.

RECEIVED

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WATER RESOURCES
WESTERN REGION