

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77404

This is to certify that: CITY OF GARDEN CITY
 CITY HALL
 6015 GLENWOOD ST
 GARDEN CITY ID 83714-1347
 (208)472-2903

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>
63-9144	WR/Decreed	04/25/1978	1.2 cfs	180 af	N/A	N/A	GROUND WATER
63-8357	WR/Decreed	08/16/1976	1.18 cfs	258 af	N/A	N/A	GROUND WATER
63-2895	WR/Decreed	02/13/1952	1.5 cfs	N/A	N/A	N/A	GROUND WATER
63-2872	WR/Decreed	08/04/1951	1.15 cfs	N/A	N/A	N/A	GROUND WATER
63-3124	WR/Decreed	02/28/1958	3.56 cfs	N/A	N/A	N/A	GROUND WATER
63-7805	WR/Decreed	06/01/1973	1.11 cfs	N/A	N/A	N/A	GROUND WATER
63-8005	WR/Decreed	07/10/1974	4.8 cfs	N/A	N/A	N/A	GROUND WATER
63-9134	WR/Decreed	06/27/1978	1.43 cfs	N/A	N/A	N/A	GROUND WATER
63-9136	WR/Decreed	07/01/1978	1.38 cfs	N/A	N/A	N/A	GROUND WATER
63-10270	WR/Decreed	10/18/1984	3.1 cfs	N/A	N/A	N/A	GROUND WATER
63-11487	WR/License	10/08/1990	4.5 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>
63-9144	NO	NO	YES	YES	NO	YES
63-8357	NO	NO	NO	YES	NO	NO
63-2895	NO	NO	NO	YES	NO	NO
63-2872	NO	NO	NO	YES	NO	NO
63-3124	NO	NO	NO	YES	NO	NO
63-7805	NO	NO	NO	YES	NO	NO
63-8005	NO	NO	NO	YES	NO	NO
63-9134	NO	NO	NO	YES	NO	NO
63-9136	NO	NO	NO	YES	NO	NO
63-10270	NO	NO	NO	YES	NO	NO
63-11487	NO	NO	NO	YES	NO	NO

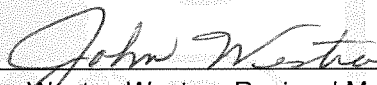
SUPPORT DATA

IN FILE # 63-2872

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
63-9144	63-9144	1.2 cfs	180 af	N/A	N/A		N/A	N/A	N/A	N/A
63-8357	63-8357	1.18 cfs	258 af	N/A	N/A		N/A	N/A	N/A	N/A
63-2895	63-2895	1.5 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
63-2872	63-2872	1.15 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
63-3124	63-3124	3.56 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
63-7805	63-7805	1.11 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
63-8005	63-8005	4.8 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
63-9134	63-9134	1.43 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
63-9136	63-9136	1.38 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
63-10270	63-10270	3.1 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
63-11487	63-11487	4.5 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		24.91cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 3rd day of November, 20 11


 John Westra, Western Regional Manager

WATER RIGHT NO. 63-2872
As Modified by Transfer No. 77404

In accordance with the approval of Transfer No. 77404, Water Right No. 63-2872 is now described as follows.

Right Holder: CITY OF GARDEN CITY
CITY HALL
6015 GLENWOOD ST
GARDEN CITY ID 83714-1347

Priority Date: August 04, 1951

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	1.15 CFS
			1.15 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L5 (SWNE)	Sec. 5 Twp 03N	Rge 02E	ADA County
GROUND WATER	SENE	Sec. 5 Twp 03N	Rge 02E	ADA County
GROUND WATER	SENE	Sec. 5 Twp 03N	Rge 02E	ADA County
GROUND WATER	L1 (NESE)	Sec. 23 Twp 04N	Rge 01E	ADA County
GROUND WATER	SENW	Sec. 24 Twp 04N	Rge 01E	ADA County
GROUND WATER	L1 (SESE)	Sec. 24 Twp 04N	Rge 01E	ADA County
GROUND WATER	L4 (NENW)	Sec. 25 Twp 04N	Rge 01E	ADA County
GROUND WATER	SWNW	Sec. 25 Twp 04N	Rge 01E	ADA County
GROUND WATER	NESE	Sec. 26 Twp 04N	Rge 01E	ADA County
GROUND WATER	NENE	Sec. 27 Twp 04N	Rge 01E	ADA County
GROUND WATER	L14 (SENE)	Sec. 31 Twp 04N	Rge 02E	ADA County
GROUND WATER	L8 (SESW)	Sec. 32 Twp 04N	Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Garden City 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.

WATER RIGHT NO. 63-2872
As Modified by Transfer No. 77404

CONDITIONS OF APPROVAL

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.
7. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from Well No. 1 located in T3N, R2E, S5, SWSE which was replaced by a new well now identified as Well No.1 located in T3N, R2E, S5, Lot 5 (SWNE).
8. To prevent injury to prior water rights appropriating water from the underlying shallow aquifer, the replacement well identified above as located in T3N, R2E, S5, Lot 5 (SWNE) shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer located 200 feet or more below ground surface.

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 November, 20 11



John Westra, Western Regional Manager

WATER RIGHT NO. 63-2895
As Modified by Transfer No. 77404

In accordance with the approval of Transfer No. 77404, Water Right No. 63-2895 is now described as follows.

Right Holder: CITY OF GARDEN CITY
CITY HALL
6015 GLENWOOD ST
GARDEN CITY ID 83714-1347

Priority Date: February 13, 1952

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	L5 (SWNE)	Sec. 5	Twp 03N	Rge 02E	ADA County
GROUND WATER	SENE	Sec. 5	Twp 03N	Rge 02E	ADA County
GROUND WATER	SENE	Sec. 5	Twp 03N	Rge 02E	ADA County
GROUND WATER	L1 (NESE)	Sec. 23	Twp 04N	Rge 01E	ADA County
GROUND WATER	SENW	Sec. 24	Twp 04N	Rge 01E	ADA County
GROUND WATER	L1 (SESE)	Sec. 24	Twp 04N	Rge 01E	ADA County
GROUND WATER	L4 (NENW)	Sec. 25	Twp 04N	Rge 01E	ADA County
GROUND WATER	SWNW	Sec. 25	Twp 04N	Rge 01E	ADA County
GROUND WATER	NESE	Sec. 26	Twp 04N	Rge 01E	ADA County
GROUND WATER	NENE	Sec. 27	Twp 04N	Rge 01E	ADA County
GROUND WATER	L14 (SENE)	Sec. 31	Twp 04N	Rge 02E	ADA County
GROUND WATER	L8 (SESW)	Sec. 32	Twp 04N	Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Garden City 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.

WATER RIGHT NO. 63-2895
As Modified by Transfer No. 77404

CONDITIONS OF APPROVAL

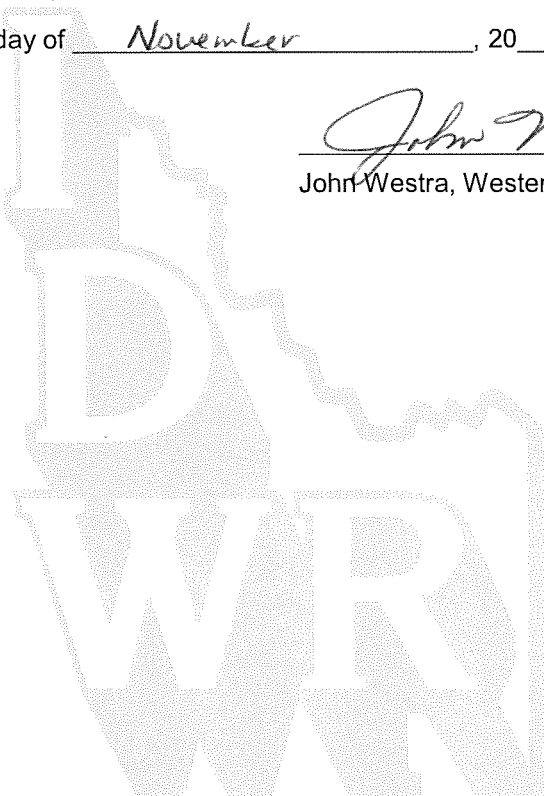
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from Well No. 2 located in T3N, R2E, S5, SENE.

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 November, 20 11



John Westra, Western Regional Manager



WATER RIGHT NO. 63-3124
As Modified by Transfer No. 77404

In accordance with the approval of Transfer No. 77404, Water Right No. 63-3124 is now described as follows.

Right Holder: CITY OF GARDEN CITY
CITY HALL
6015 GLENWOOD ST
GARDEN CITY ID 83714-1347

Priority Date: February 28, 1958

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	3.56 CFS
			3.56 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L5 (SWNE)	Sec. 5 Twp 03N	Rge 02E	ADA County
GROUND WATER	SENE	Sec. 5 Twp 03N	Rge 02E	ADA County
GROUND WATER	SENE	Sec. 5 Twp 03N	Rge 02E	ADA County
GROUND WATER	L1 (NESE)	Sec. 23 Twp 04N	Rge 01E	ADA County
GROUND WATER	SENW	Sec. 24 Twp 04N	Rge 01E	ADA County
GROUND WATER	L1 (SESE)	Sec. 24 Twp 04N	Rge 01E	ADA County
GROUND WATER	L4 (NENW)	Sec. 25 Twp 04N	Rge 01E	ADA County
GROUND WATER	SWNW	Sec. 25 Twp 04N	Rge 01E	ADA County
GROUND WATER	NESE	Sec. 26 Twp 04N	Rge 01E	ADA County
GROUND WATER	NENE	Sec. 27 Twp 04N	Rge 01E	ADA County
GROUND WATER	L14 (SENE)	Sec. 31 Twp 04N	Rge 02E	ADA County
GROUND WATER	L8 (SESW)	Sec. 32 Twp 04N	Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Garden City 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.

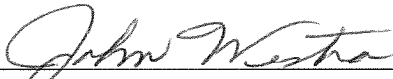
WATER RIGHT NO. 63-3124
As Modified by Transfer No. 77404

CONDITIONS OF APPROVAL

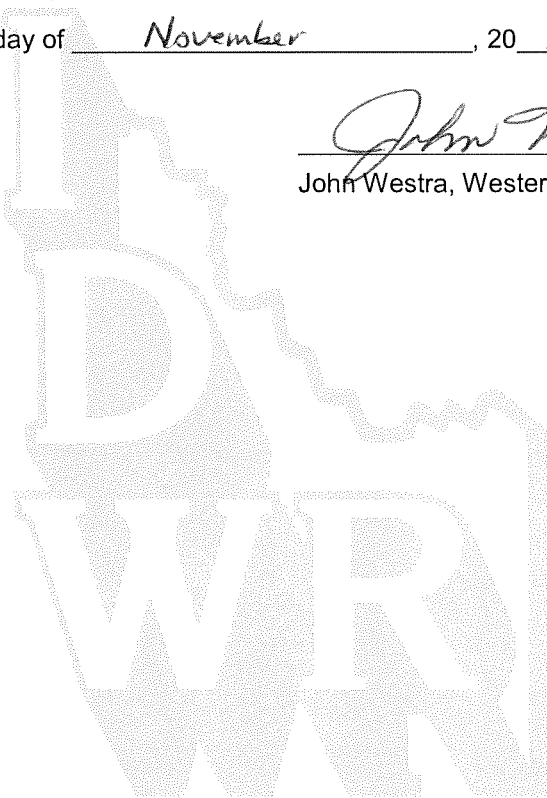
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from Well No. 3 located in T4N, R2E, S32, Lot 8 (SESW).

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 November, 20 11



John Westra, Western Regional Manager



WATER RIGHT NO. 63-7805
As Modified by Transfer No. 77404

In accordance with the approval of Transfer No. 77404, Water Right No. 63-7805 is now described as follows.

Right Holder: CITY OF GARDEN CITY
CITY HALL
6015 GLENWOOD ST
GARDEN CITY ID 83714-1347

Priority Date: June 01, 1973

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	L5 (SWNE)	Sec. 5 Twp 03N	Rge 02E	ADA County
GROUND WATER	SENE	Sec. 5 Twp 03N	Rge 02E	ADA County
GROUND WATER	SENE	Sec. 5 Twp 03N	Rge 02E	ADA County
GROUND WATER	L1 (NESE)	Sec. 23 Twp 04N	Rge 01E	ADA County
GROUND WATER	SENW	Sec. 24 Twp 04N	Rge 01E	ADA County
GROUND WATER	L1 (SESE)	Sec. 24 Twp 04N	Rge 01E	ADA County
GROUND WATER	L4 (NENW)	Sec. 25 Twp 04N	Rge 01E	ADA County
GROUND WATER	SWNW	Sec. 25 Twp 04N	Rge 01E	ADA County
GROUND WATER	NESE	Sec. 26 Twp 04N	Rge 01E	ADA County
GROUND WATER	NENE	Sec. 27 Twp 04N	Rge 01E	ADA County
GROUND WATER	L14 (SENE)	Sec. 31 Twp 04N	Rge 02E	ADA County
GROUND WATER	L8 (SESW)	Sec. 32 Twp 04N	Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Garden City 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.

WATER RIGHT NO. 63-7805
As Modified by Transfer No. 77404

CONDITIONS OF APPROVAL

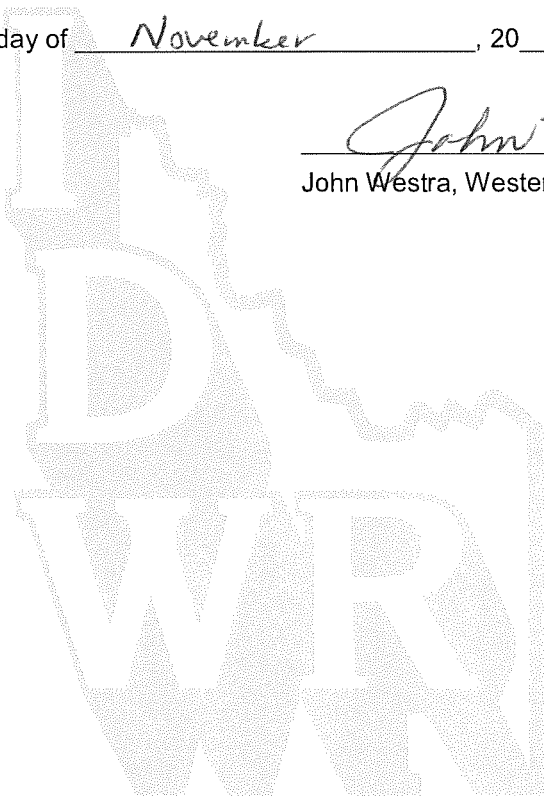
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from Well No. 4 located in T3N, R2E, S5, SENE.

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 November, 20 11



John Westra, Western Regional Manager



WATER RIGHT NO. 63-8005
As Modified by Transfer No. 77404

In accordance with the approval of Transfer No. 77404, Water Right No. 63-8005 is now described as follows.

Right Holder: CITY OF GARDEN CITY
CITY HALL
6015 GLENWOOD ST
GARDEN CITY ID 83714-1347

Priority Date: July 10, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	4.80 CFS
			4.80 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L5 (SWNE)	Sec. 5 Twp 03N	Rge 02E	ADA County
GROUND WATER	SENE	Sec. 5 Twp 03N	Rge 02E	ADA County
GROUND WATER	SENE	Sec. 5 Twp 03N	Rge 02E	ADA County
GROUND WATER	L1 (NESE)	Sec. 23 Twp 04N	Rge 01E	ADA County
GROUND WATER	SENW	Sec. 24 Twp 04N	Rge 01E	ADA County
GROUND WATER	L1 (SESE)	Sec. 24 Twp 04N	Rge 01E	ADA County
GROUND WATER	L4 (NENW)	Sec. 25 Twp 04N	Rge 01E	ADA County
GROUND WATER	SWNW	Sec. 25 Twp 04N	Rge 01E	ADA County
GROUND WATER	NESE	Sec. 26 Twp 04N	Rge 01E	ADA County
GROUND WATER	NENE	Sec. 27 Twp 04N	Rge 01E	ADA County
GROUND WATER	L14 (SENE)	Sec. 31 Twp 04N	Rge 02E	ADA County
GROUND WATER	L8 (SESW)	Sec. 32 Twp 04N	Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Garden City 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.

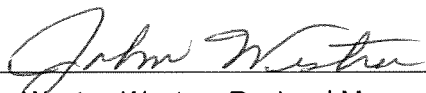
WATER RIGHT NO. 63-8005
As Modified by Transfer No. 77404

CONDITIONS OF APPROVAL

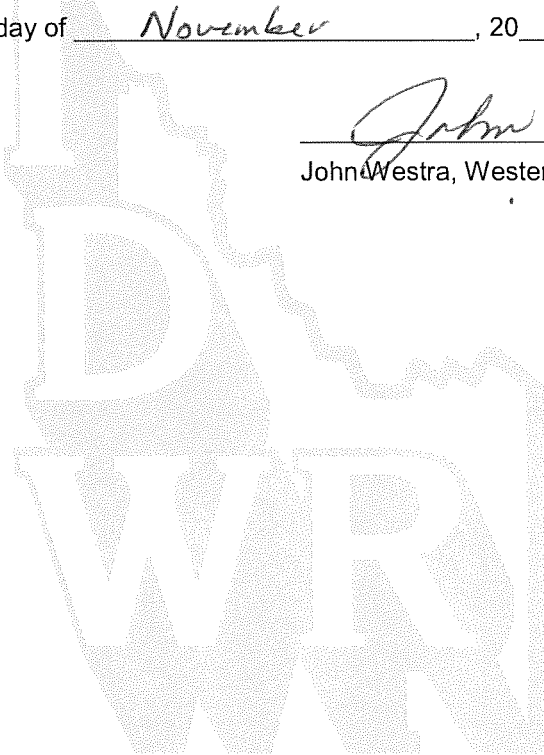
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from Well No. 5 located in T4N, R2E, S31, Lot 14 (SENE) and Well No. 9 located in T4N, R1E, S23, Lot 1 (NESE).

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 November, 20 11



John Westra, Western Regional Manager



WATER RIGHT NO. 63-8357
As Modified by Transfer No. 77404

In accordance with the approval of Transfer No. 77404, Water Right No. 63-8357 is now described as follows.

Right Holder:

Priority Date: August 16, 1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	01/01	to 12/31	1.18 CFS	258.0 AF
			1.18 CFS	258.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L5 (SWNE)	Sec. 5 Twp 03N	Rge 02E	ADA County
GROUND WATER	SENE	Sec. 5 Twp 03N	Rge 02E	ADA County
GROUND WATER	SENE	Sec. 5 Twp 03N	Rge 02E	ADA County
GROUND WATER	L1 (NESE)	Sec. 23 Twp 04N	Rge 01E	ADA County
GROUND WATER	SENW	Sec. 24 Twp 04N	Rge 01E	ADA County
GROUND WATER	L1 (SESE)	Sec. 24 Twp 04N	Rge 01E	ADA County
GROUND WATER	L4 (NENW)	Sec. 25 Twp 04N	Rge 01E	ADA County
GROUND WATER	SWNW	Sec. 25 Twp 04N	Rge 01E	ADA County
GROUND WATER	NESE	Sec. 26 Twp 04N	Rge 01E	ADA County
GROUND WATER	NENE	Sec. 27 Twp 04N	Rge 01E	ADA County
GROUND WATER	L14 (SENE)	Sec. 31 Twp 04N	Rge 02E	ADA County
GROUND WATER	L8 (SESW)	Sec. 32 Twp 04N	Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Garden City 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.

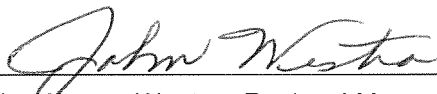
WATER RIGHT NO. 63-8357
As Modified by Transfer No. 77404

CONDITIONS OF APPROVAL

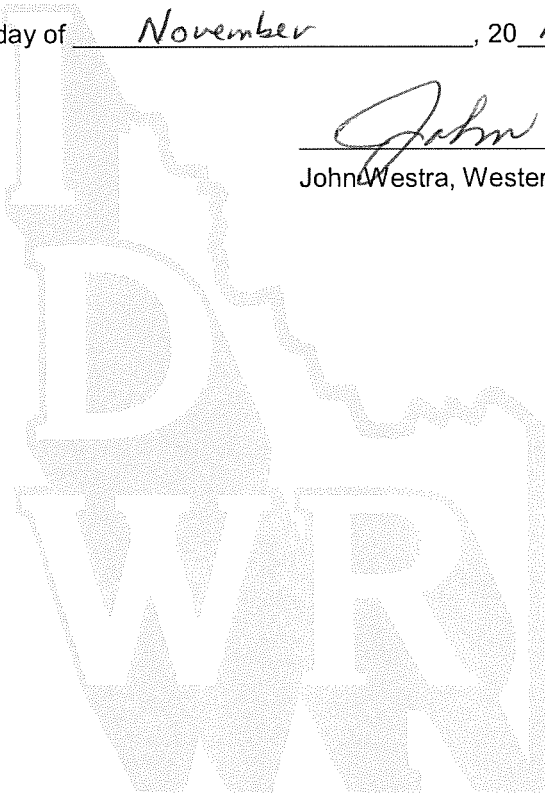
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from Well No. 12 located in T4N, R1E, S25, SWNW.

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 November, 20 11



John Westra, Western Regional Manager



WATER RIGHT NO. 63-9134
As Modified by Transfer No. 77404

In accordance with the approval of Transfer No. 77404, Water Right No. 63-9134 is now described as follows.

Right Holder:

Priority Date: June 27, 1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	1.43 CFS
			1.43 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L5 (SWNE)	Sec. 5	Twp 03N	Rge 02E	ADA County
GROUND WATER	SENE	Sec. 5	Twp 03N	Rge 02E	ADA County
GROUND WATER	SENE	Sec. 5	Twp 03N	Rge 02E	ADA County
GROUND WATER	L1 (NESE)	Sec. 23	Twp 04N	Rge 01E	ADA County
GROUND WATER	SENW	Sec. 24	Twp 04N	Rge 01E	ADA County
GROUND WATER	L1 (SESE)	Sec. 24	Twp 04N	Rge 01E	ADA County
GROUND WATER	L4 (NENW)	Sec. 25	Twp 04N	Rge 01E	ADA County
GROUND WATER	SWNW	Sec. 25	Twp 04N	Rge 01E	ADA County
GROUND WATER	NESE	Sec. 26	Twp 04N	Rge 01E	ADA County
GROUND WATER	NENE	Sec. 27	Twp 04N	Rge 01E	ADA County
GROUND WATER	L14 (SENE)	Sec. 31	Twp 04N	Rge 02E	ADA County
GROUND WATER	L8 (SESW)	Sec. 32	Twp 04N	Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Garden City 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.

WATER RIGHT NO. 63-9134
As Modified by Transfer No. 77404

CONDITIONS OF APPROVAL

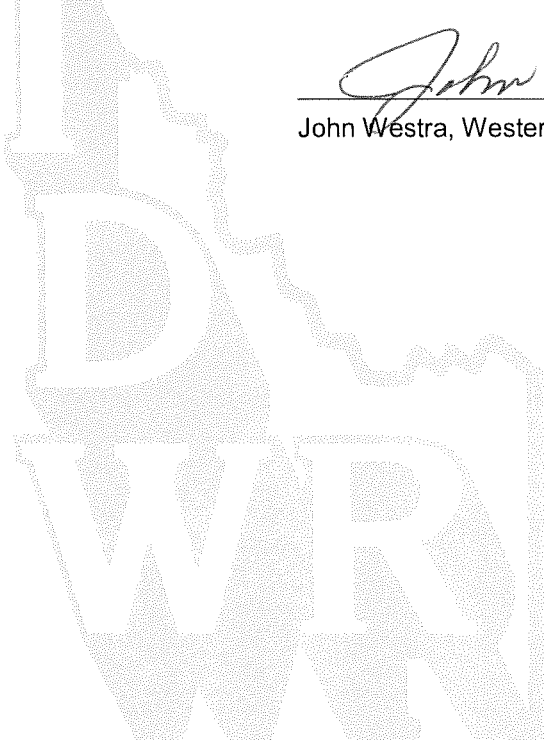
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from Well No. 7 located in T4N, R1E, S24, Lot 1 (SESE).

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 November, 20 11



John Westra, Western Regional Manager



WATER RIGHT NO. 63-9136
As Modified by Transfer No. 77404

In accordance with the approval of Transfer No. 77404, Water Right No. 63-9136 is now described as follows.

Right Holder:

Priority Date: July 01, 1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	1.38 CFS
			1.38 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L5 (SWNE)	Sec. 5 Twp 03N	Rge 02E	ADA County
GROUND WATER	SENE	Sec. 5 Twp 03N	Rge 02E	ADA County
GROUND WATER	SENE	Sec. 5 Twp 03N	Rge 02E	ADA County
GROUND WATER	L1 (NESE)	Sec. 23 Twp 04N	Rge 01E	ADA County
GROUND WATER	SENW	Sec. 24 Twp 04N	Rge 01E	ADA County
GROUND WATER	L1 (SESE)	Sec. 24 Twp 04N	Rge 01E	ADA County
GROUND WATER	L4 (NENW)	Sec. 25 Twp 04N	Rge 01E	ADA County
GROUND WATER	SWNW	Sec. 25 Twp 04N	Rge 01E	ADA County
GROUND WATER	NESE	Sec. 26 Twp 04N	Rge 01E	ADA County
GROUND WATER	NENE	Sec. 27 Twp 04N	Rge 01E	ADA County
GROUND WATER	L14 (SENE)	Sec. 31 Twp 04N	Rge 02E	ADA County
GROUND WATER	L8 (SESW)	Sec. 32 Twp 04N	Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Garden City 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.

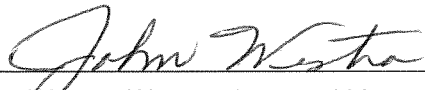
WATER RIGHT NO. 63-9136
As Modified by Transfer No. 77404

CONDITIONS OF APPROVAL

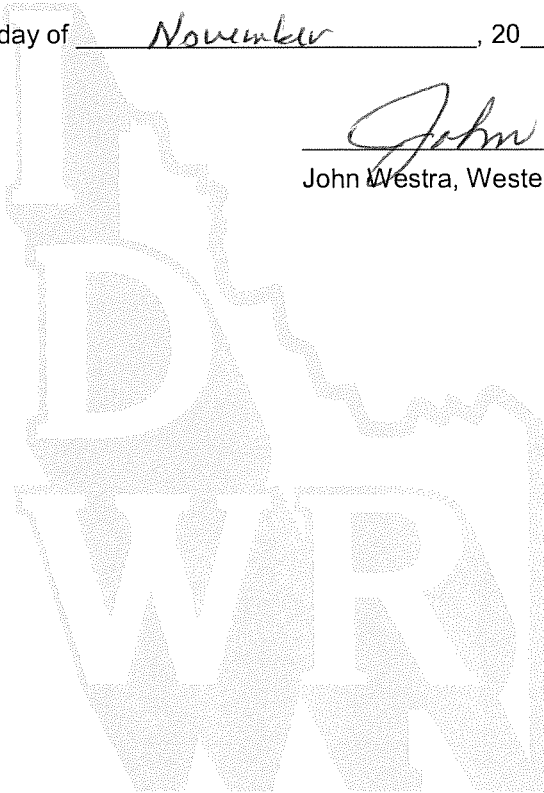
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from Well No. 6 located in T4N, R1E, S25, Lot 4 (NENW).

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 November, 20 11



John Westra, Western Regional Manager



WATER RIGHT NO. 63-9144
As Modified by Transfer No. 77404

In accordance with the approval of Transfer No. 77404, Water Right No. 63-9144 is now described as follows.

Right Holder: CITY OF GARDEN CITY
CITY HALL
6015 GLENWOOD ST
GARDEN CITY ID 83714-1347

Priority Date: April 25, 1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	01/01	to 12/31	1.20 CFS	180.0 AF
			1.20 CFS	180.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L5 (SWNE)	Sec. 5	Twp 03N	Rge 02E	ADA County
GROUND WATER	SENE	Sec. 5	Twp 03N	Rge 02E	ADA County
GROUND WATER	SENE	Sec. 5	Twp 03N	Rge 02E	ADA County
GROUND WATER	L1 (NESE)	Sec. 23	Twp 04N	Rge 01E	ADA County
GROUND WATER	SENW	Sec. 24	Twp 04N	Rge 01E	ADA County
GROUND WATER	L1 (SESE)	Sec. 24	Twp 04N	Rge 01E	ADA County
GROUND WATER	L4 (NENW)	Sec. 25	Twp 04N	Rge 01E	ADA County
GROUND WATER	SWNW	Sec. 25	Twp 04N	Rge 01E	ADA County
GROUND WATER	NESE	Sec. 26	Twp 04N	Rge 01E	ADA County
GROUND WATER	NENE	Sec. 27	Twp 04N	Rge 01E	ADA County
GROUND WATER	L14 (SENE)	Sec. 31	Twp 04N	Rge 02E	ADA County
GROUND WATER	L8 (SESW)	Sec. 32	Twp 04N	Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Garden City 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.

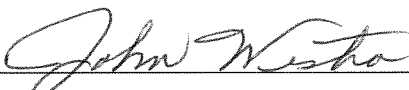
WATER RIGHT NO. 63-9144
As Modified by Transfer No. 77404

CONDITIONS OF APPROVAL

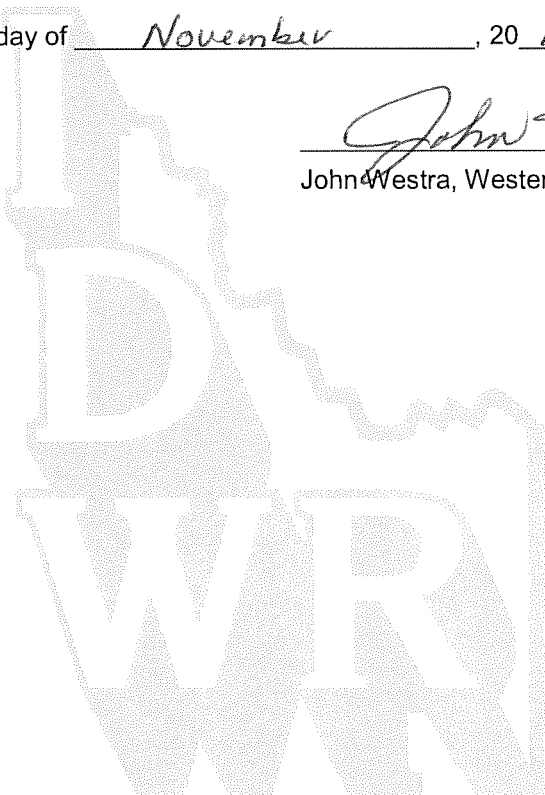
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from Well No.11 located in T4N, R1E, S24, SENW.

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 November, 20 11



John Westra, Western Regional Manager



WATER RIGHT NO. 63-10270
As Modified by Transfer No. 77404

In accordance with the approval of Transfer No. 77404, Water Right No. 63-10270 is now described as follows.

Right Holder: CITY OF GARDEN CITY
CITY HALL
6015 GLENWOOD ST
GARDEN CITY ID 83714-1347

Priority Date: October 18, 1984

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	3.10 CFS
			3.10 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L5 (SWNE)	Sec. 5 Twp 03N	Rge 02E	ADA County
GROUND WATER	SENE	Sec. 5 Twp 03N	Rge 02E	ADA County
GROUND WATER	SENE	Sec. 5 Twp 03N	Rge 02E	ADA County
GROUND WATER	L1 (NESE)	Sec. 23 Twp 04N	Rge 01E	ADA County
GROUND WATER	SENW	Sec. 24 Twp 04N	Rge 01E	ADA County
GROUND WATER	L1 (SESE)	Sec. 24 Twp 04N	Rge 01E	ADA County
GROUND WATER	L4 (NENW)	Sec. 25 Twp 04N	Rge 01E	ADA County
GROUND WATER	SWNW	Sec. 25 Twp 04N	Rge 01E	ADA County
GROUND WATER	NESE	Sec. 26 Twp 04N	Rge 01E	ADA County
GROUND WATER	NENE	Sec. 27 Twp 04N	Rge 01E	ADA County
GROUND WATER	L14 (SENE)	Sec. 31 Twp 04N	Rge 02E	ADA County
GROUND WATER	L8 (SESW)	Sec. 32 Twp 04N	Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Garden City 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.

WATER RIGHT NO. 63-10270
As Modified by Transfer No. 77404

CONDITIONS OF APPROVAL

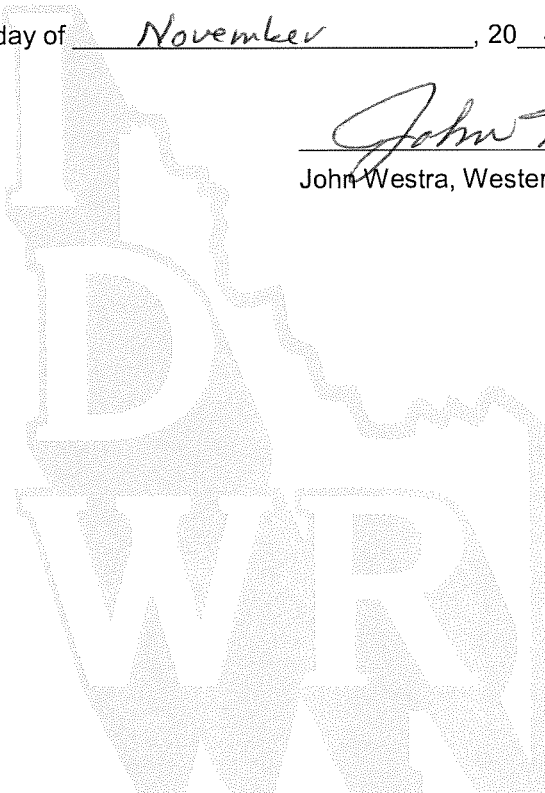
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from Well No. 8 located in T4N, R1E, S26, NESE.

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 November, 20 11



John Westra, Western Regional Manager



WATER RIGHT NO. 63-11487
As Modified by Transfer No. 77404

In accordance with the approval of Transfer No. 77404, Water Right No. 63-11487 is now described as follows.

Right Holder: CITY OF GARDEN CITY
CITY HALL
6015 GLENWOOD ST
GARDEN CITY ID 83714-1347

Priority Date: October 08, 1990

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	L5 (SWNE)	Sec. 5 Twp 03N	Rge 02E	ADA County
GROUND WATER	SENE	Sec. 5 Twp 03N	Rge 02E	ADA County
GROUND WATER	SENE	Sec. 5 Twp 03N	Rge 02E	ADA County
GROUND WATER	L1 (NESE)	Sec. 23 Twp 04N	Rge 01E	ADA County
GROUND WATER	SENW	Sec. 24 Twp 04N	Rge 01E	ADA County
GROUND WATER	L1 (SESE)	Sec. 24 Twp 04N	Rge 01E	ADA County
GROUND WATER	L4 (NENW)	Sec. 25 Twp 04N	Rge 01E	ADA County
GROUND WATER	SWNW	Sec. 25 Twp 04N	Rge 01E	ADA County
GROUND WATER	NESE	Sec. 26 Twp 04N	Rge 01E	ADA County
GROUND WATER	NENE	Sec. 27 Twp 04N	Rge 01E	ADA County
GROUND WATER	L14 (SENE)	Sec. 31 Twp 04N	Rge 02E	ADA County
GROUND WATER	L8 (SESW)	Sec. 32 Twp 04N	Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Garden City 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.

WATER RIGHT NO. 63-11487
As Modified by Transfer No. 77404

CONDITIONS OF APPROVAL

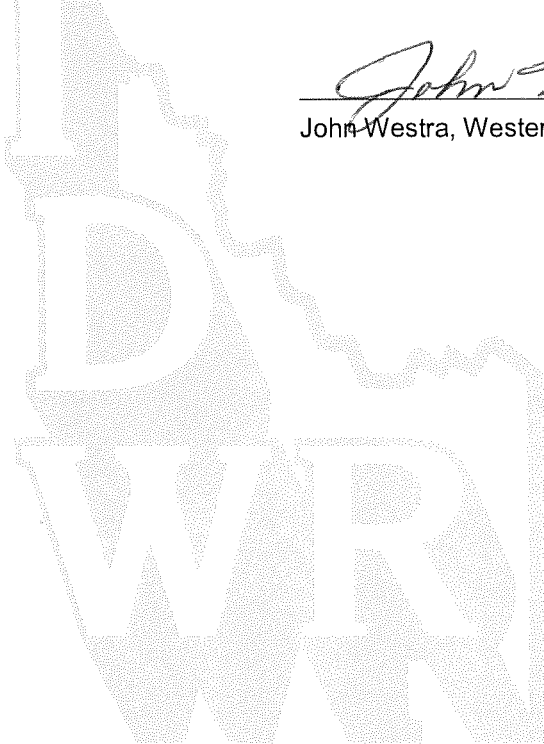
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from Well No. 10 located in T4N, R1E, S27, NENE.

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 November, 20 11



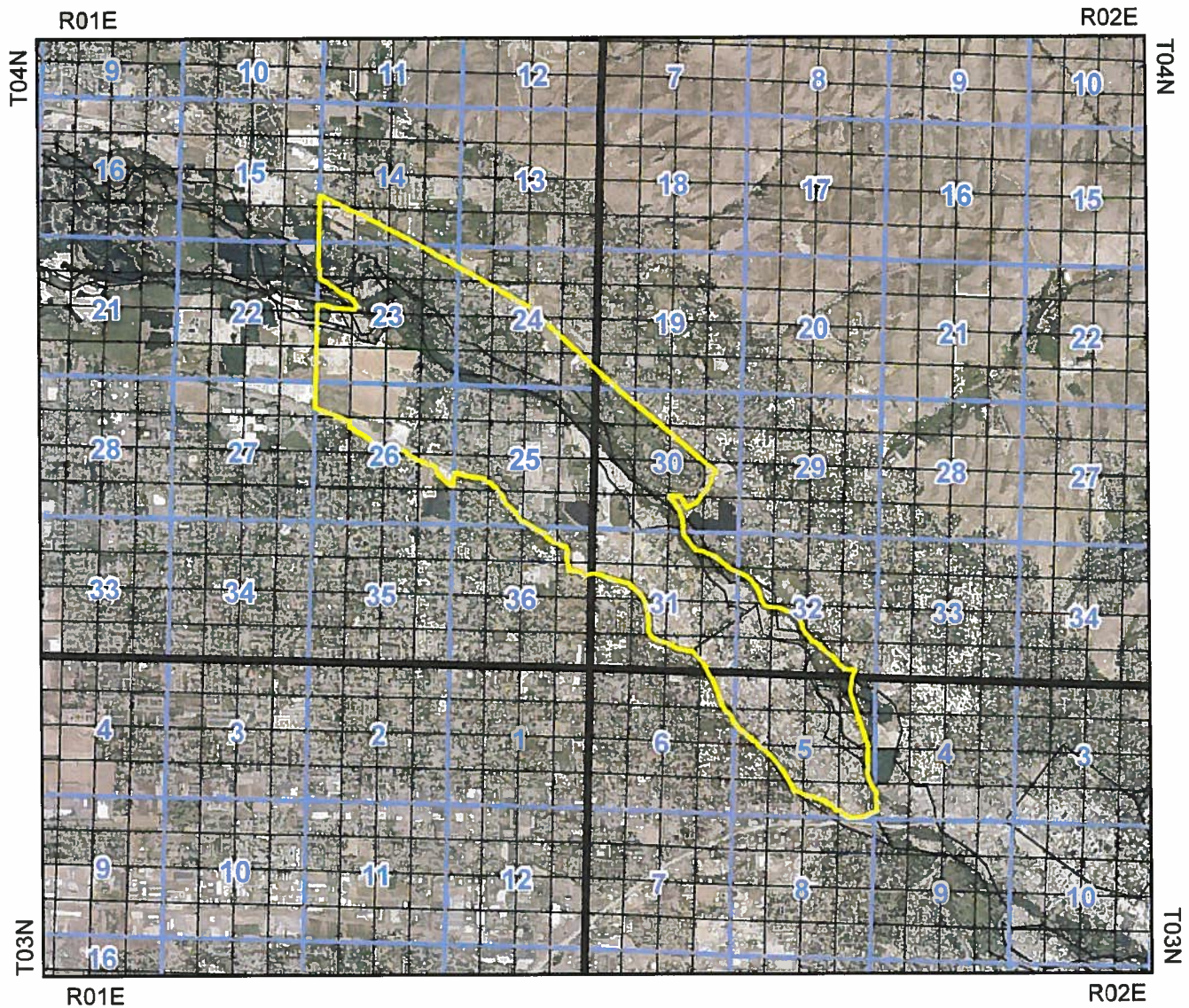
John Westra, Western Regional Manager



State of Idaho
Department of Water Resources
Transfer Of Water Right

Transfer No. 77404

Water Service Area Boundary for City Of Garden City
Rights: 63-2872, 63-2895, 63-3124, 63-7805, 63-8005, 63-8357, 63-9134,
63-9136, 63-9144, 63-10270, 63-11487



Legend

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





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

November 3, 2011

CITY OF GARDEN CITY
CITY HALL
6015 GLENWOOD ST
GARDEN CITY ID 83714-1347

RE: Transfer No.: 77404
 Water Right No(s): 63-8357 63-9134 63-2872 63-11487 63-9136
 63-9144 63-10270 63-2895 63-3124 63-7805
 63-8005

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,


for John Westra
Western Regional Manager

Enclosure(s)

cc: SPF WATER ENGINEERING LLC
FRANK WALKER

CERTIFICATE OF SERVICE

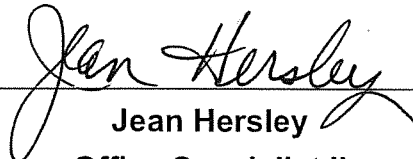
I hereby certify that on November 4, 2011 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 77404
WATER RIGHTS NOS. 63-8357 63-9134 63-2872 63-11487
63-9136 63-9144 63-10270 63-2895
63-3124 63-7805 63-8005

CITY OF GARDEN CITY
CITY HALL
6015 GLENWOOD ST
GARDEN CITY ID 83714-1347

SPF WATER ENGINEERING LLC
C/O ROXANNE BROWN
300 E MALLARD DR, STE 350
BOISE ID 83706

FRANK WALKER
GARDEN CITY ATTORNEYS OFFICE
6015 GLENWOOD
GARDEN CITY ID 83714



Jean Hersley
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.

OCT 14 2011

WATER RESOURCES
WESTERN REGION

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
47628	0000570852	LEGAL NOTICE	SVRanchLLC	\$172.95	2	51

Attention: Steve Lester

IDAHO DEPT WATER RESOURCE

2735 AIRPORT WAY

BOISE

ID

83705

LEGAL NOTICE PROPOSED CHANGE OF WATER RIGHTS

SV Ranch LLC c/o Gregory Vik of PO Box 1607, Bellevue WA 98009, filed Application No. 76740 to transfer 5 irrigation water rights with 1907 to 1970 priority dates from Castle Creek tributary to the Snake River totaling 36.25 cfs. The purpose of the transfer is to change the point of diversion from Castle Creek to a pumping station on the Snake River and change the place of use to a permissible place of use on 2178 acres. The application also proposes to change a portion of the 1907 right to mitigate for development of wetlands (see Application 57-11794). Water for mitigation will be diverted at the existing Castle Creek point of diversion. Water will be used at the current place of use on the south side of the Snake River, west of Castle Butte and north of Highway 78 in Owyhee County.

Blue Valley LLC of 24681 La Plaza #380, Dana Point, CA 92629 filed Application No. 77125 to transfer one water right with a 1977 priority date from ground water totaling 0.70 cfs and 240 afa. The purpose of the transfer is to change ownership, place of use and points of diversion, and change nature of use of 0.30 cfs and 12 afa for diversion to storage and aesthetic storage. The nature of use change is to offset evaporation from the on-site pond. Water will be used at the current place of use in Boise for Blue Valley mobile home park southwest of Eisenman Road and Blue Ridge Lane, Ada County.

The City of Garden City, City Hall, 6015 Glenwood St, Garden City ID 83714, filed Application No. 77404 to transfer 11 water rights with 1951 to 1990 priority dates from ground water totaling 24.91 and 438 afa. The purpose of the transfer is to incorporate all of the points of diversion into the City's municipal diversion system and municipal service area. The transfer also changes ownership and nature of use from domestic and fire protection to municipal use for one right the City recently acquired. Water will be used at the current place of use in the City's municipal service area in Ada County.

J. R. Simplot Company of PO Box 27, Boise ID 83707, filed Application No. 77479 to transfer 2 water rights with 1963 priority dates from the Snake River totaling 28.56 cfs. The purpose of the transfer is to move the rights to an existing pump station to irrigate 1428 acres. Water will be moved to a place of use about 8 miles southwest of Mountain Home Air Force Base, Elmore County.

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.asp 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 October 24, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Pub. Oct. 6,13, 2011

0000570852-01

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

Beginning issue of: 10/06/2011

Ending issue of: 10/13/2011

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

.SS

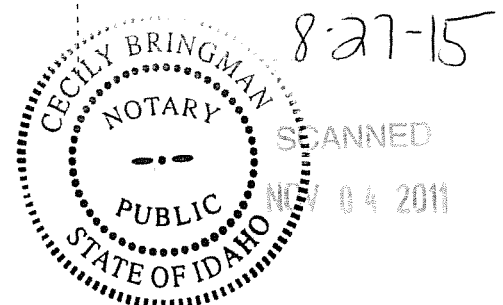
COUNTY OF ADA)

On this 13 day of October in the year of 2011 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Cecily Bringham

Notary Public for Idaho
Residing at: Boise, Idaho

My Commission expires:



✓ 10/24/11
SB

MEMORANDUM

TO: Transfer No. 77404 File

FROM: Vicky Music

DATE: September 16, 2011

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes changes to the following water rights: 63-2872, 63-2895, 63-3124, 63-7805, 63-8005, 63-8357, 63-9134, 63-9136, 63-9144, 63-10270 and 63-11487.

The City of Garden City currently has 10 water rights for its municipal service area and integrated diversion and delivery system. The transfer proposes to incorporate 2 additional wells under water right nos. 63-8357 and 63-9144 to the City's diversion and delivery system for a total of 12 PODs.

The transfer also proposes to change the ownership of 63-9144, change the nature of use from domestic and fire protection to municipal and add the POU to the City's municipal service area.

If the transfer is approved, the following rights will comprise the City's municipal service area and diversion/delivery system: 63-2872, 63-2895, 63-3124, 63-7805, 63-8005, 63-8357, 63-9134, 63-9136, 63-9144, 63-10270 and 63-11487.

The site is the City of Garden City, which is located in west Boise.

Contact person for the applicant is Roxanne Brown, SPF Water Engineering.

Deviations from Transfer Policy Standards

The application form itself was very complete. It appeared that some pages were duplicated or missing from Attachment 2A, the water right descriptions. The consultant corrected this.

Also, water right 63-9144 is for domestic and fire protection uses in the Shenandoah Mobile Estates. The transfer did not originally propose a change in nature of use to municipal proposed to include the POU in its municipal service area. I contacted the applicant and consultant. The application was amended to include the change in nature of use from domestic and fire protection to municipal for inclusion in the City service area. The \$250 application fee for the nature of use change was paid.

There are no deviations from IDWR transfer policy that should delay processing of this application.

Summary of Information Submitted

Authority to File:

The applicant is owner of record of all of the water rights except 63-9144. The applicant provided a Special Quitclaim Deed for Water Right which conveys ownership of the water right, a Release of Water Right From Mortgage and a well agreement which grants access to the well system. With this documentation, the applicant has the authority to file this application.

Water Right Validity:

The SRBA partial decrees were issued for right nos. 63-8357 and 63-9144 in 2007, within the past five year period and are presumed to be valid.

Water right no. 63-11487 was developed after 1987, was not required to be claimed in the SRBA, and is a City municipal right that is presumed to be valid.

Right nos. 63-2872, 63-2895, 63-3124, 63-7805, 63-8005, 63-9134, 63-9136 and 63-10270 were all partially decreed in 2009, within the past five year time period and are presumed to be valid.

Injury to Other Water Rights:

No injury is expected because the changes to the water rights are to consolidate and clarify the municipal diversion/delivery system and the municipal service area.

Enlargement of Use:

No enlargement of diversion rate, diversion volume or consumptive use volume is proposed or expected from integrating these rights into the municipal system.

Local Public Interest:

This transfer proposal to consolidate and clarify the City's rights is in the local 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

Transfer memo #24 instructs staff to collect historic consumptive use data from the applicant for a nature of use change. The memo, in Item 5d states that staff must determine whether the proposed change will result in enlargement of the right and in Item 5d (12) specifically states that a change in the nature of use of an established water right to a municipal right owned by a municipality shall not be approved without limiting the volume of the right to that historically used prior to the change.

This transfer proposes to change the nature of use of water right no. 63-9144, which is limited to 180 af/year, from domestic and fire protection to municipal. The volume limitation will be maintained which will ensure there is no enlargement and will comply with the transfer policy memo. There is no change in the way the water will be used except in the term used. Because the

volume limiter will be maintained, it is not necessary for the applicant to submit historic beneficial use information.

Additional information was requested and supplied by the applicant. The application will not be parallel processed with the SO.

There is no need to consult other programs within the Department for additional IDWR analysis.

There is no need to solicit Watermaster comments for the changes proposed nor is it necessary to solicit comments from other entities.

Data entry affected the correct records of all of the rights involved in this transfer. The partial decrees were issued for 10 of the 11 rights and the results were migrated to wr records.

SRBA status was summarized above.

All of the overlapping rights at the existing & proposed PODs & the municipal POU are included in this transfer.

There are no mitigation or Water Bank issues.

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 no new wells are proposed.