



State of Idaho

DEPARTMENT OF WATER RESOURCES

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November 1, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

CITY OF WHITE BIRD
PO BOX 74
WHITE BIRD ID 83554

RE: Permit 79-14053 and License 79-7208

Dear Sir or Madam,

On August 25, 2011, Senior Water Resource Agent Sandy Hemenway, met with Jerry Mackie to conduct a licensing field examination for permit 79-14053. Ms. Hemenway's field examination report noted that the three wells authorized to divert 0.14 cfs under license 79-7208 have been abandoned and are no longer in use.

After reviewing the field examination report, it was determined that the capacity of the two wells developed under permit 79-14053 is 0.24 cfs, and those two wells are the only wells currently providing municipal water to the City of White Bird.

Ms. Hemenway recommended that 79-14053 be licensed for 0.10 cfs, or the difference between the 0.24 cfs capacity currently being put to beneficial use and the 0.14 cfs already licensed under 79-7208.

The City of White Bird would then need to file a transfer to change the authorized points of diversion for license 79-7208 from the three abandoned wells to the two wells currently in use. The result would be two water rights authorizing diversion of 0.24 cfs from the two active wells:

79-7208	0.14 cfs
<u>79-14053</u>	<u>0.10 cfs</u>
Capacity	0.24 cfs

I am writing you because if license 79-14053 is issued right now as described above, the City of White Bird will need to file the transfer application immediately to prevent being in violation. Since you are not currently authorized to divert the licensed 0.14 cfs under 79-7208 out of the two wells you are using, if 79-14053 is licensed for 0.10 cfs, your current water use would exceed what you are authorized to divert from the wells.

You have a couple of options:

1. The Idaho Department of Water Resources (IDWR) can move forward and issue a license for 79-14053 for 0.10 cfs. The City of White Bird would then need to file a transfer to change the

points of diversion on license 79-7208. If a transfer was not filed, then you would only be authorized to divert 0.10 cfs from the two wells rather than the 0.24 cfs you are currently diverting. This would mean that technically, you would be immediately diverting more than you were authorized out of the two wells in use. The transfer would need to be filed immediately to change the authorized points of diversion on license 79-7208. Note: IDWR could hold off on issuing license 79-14053 until the point of diversion transfer for 79-7208 was approved.

2. IDWR could issue 79-14053 for 0.24 cfs and add a combined use limit that states when 79-7208 and 79-14053 are used in combination, they are limited to a maximum diversion rate of 0.24 cfs. The drawback to this is if a transfer to change the points of diversion for 79-7208 is never filed, eventually 79-7208 will be lost due to forfeiture and then 79-14053 will have a combined use limit with a water right that doesn't exist.
3. The last option is to formally abandon license 79-7208 by submitting a statement in writing to IDWR stating your intent to abandon the right. Permit 79-14053 can then be issued for the full 0.24 cfs being diverted from the two wells. The drawback to this is you would lose 20 years of priority by giving up your old right.

For your convenience, I have taken the liberty of partially completing a transfer application to change the points of diversion for 79-7208. If you choose to submit the transfer application, please review for accuracy the data that has been completed in the enclosed application and complete the areas left blank. I have highlighted in yellow areas that have not been completed.

For now, the Department will hold off on issuing license 79-14053. Please contact myself or Sandy Hemenway or submit the document(s) for options 1 or 3 within 14 day's of receiving this letter to let us know how you would like to proceed.

Respectfully submitted,



Craig L. Saxton
Water Rights Supervisor

Enclosure(s): Partially completed Application for Transfer of Water Right – Point(s) of Diversion
Transfer Application Fee Schedule

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change

1. APPLICANT(S) City of White Bird Phone _____

2. MAILING ADDRESS PO BOX 74 City WHITE BIRD

State ID Zip 83554 Email _____

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see [fee schedule](#).
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 79-7208
79-7208

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 0.14 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
28N	1E	11			SW	SE	IDAHO	GROUND WATER	
28N	1E	11			SW	SE	IDAHO	GROUND WATER	

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

- b. Who owns the property at the point(s) of diversion? _____
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe _____

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and 1/4 1/4 of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Signature of applicant or authorized agent Print name and title if applicable Date

Signature of applicant or authorized agent Print name and title if applicable Date

9. **FEE** - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid _____ Date _____ Receipted by _____ Receipt # _____

Preliminary review completed by _____ Date _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 79-7208

Current Owner: CITY OF WHITE BIRD

Priority Date: 9/16/1991

Origin: Water Right

Status: Active

Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	1/01 to 12/31	0.14 CFS	
	<u>Total Diversion</u>	0.14 CFS	

Location of Point(s) of Diversion

GROUND WATER IDAHO County	NE1/4SW1/4	Sec. 14,	Twp 28N,	Rge 01E B.M.
GROUND WATER IDAHO County	NW1/4SW1/4	Sec. 14,	Twp 28N,	Rge 01E B.M.
GROUND WATER IDAHO County	SE1/4NW1/4	Sec. 14,	Twp 28N,	Rge 01E B.M.

Place of Use

Place of Use: MUNICIPAL same as

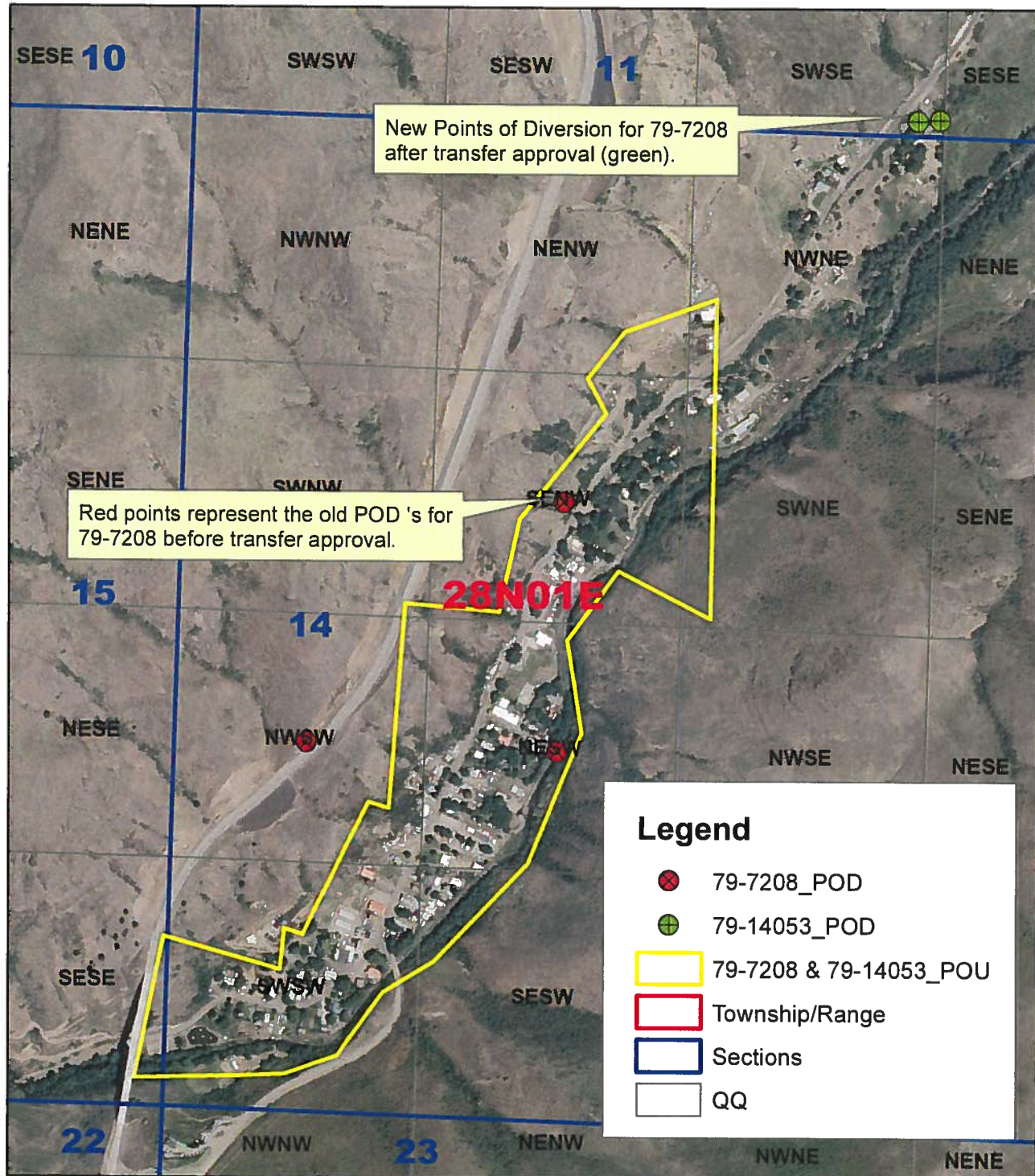
Conditions of Approval:

1. Two points of diversion are located within NESW, S14, T28N, R01E.
Place of use is located within the city limits of White Bird.

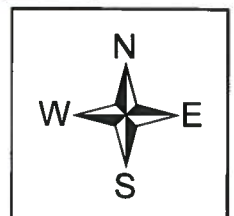
Licensed Date: 4/24/1996

Transfer Reference Map

79-7208



Point of Diversion Locations



Application for Transfer or Exchange Fee Schedule

See § 42-221 O, Idaho Code

The fee for an application for transfer is based on the quantity of water being transferred, not necessarily on the amount of the entire right. See Transfer Processing Memo No. 23.

(CFS = cubic feet per second; AF = Acre-feet per year)

CFS	AF	FEE	CFS	AF	FEE
0.00 - 0.20	0 - 20	\$200.00	11.01 - 12.00	1,101 - 1,200	\$1,380.00
0.21 - 1.00	21 - 100	\$500.00	12.01 - 13.00	1,201 - 1,300	\$1,460.00
1.01 - 2.00	101 - 200	\$580.00	13.01 - 14.00	1,301 - 1,400	\$1,540.00
2.01 - 3.00	201 - 300	\$660.00	14.01 - 15.00	1,401 - 1,500	\$1,620.00
3.01 - 4.00	301 - 400	\$740.00	15.01 - 16.00	1,501 - 1,600	\$1,700.00
4.01 - 5.00	401 - 500	\$820.00	16.01 - 17.00	1,601 - 1,700	\$1,780.00
5.01 - 6.00	501 - 600	\$900.00	17.01 - 18.00	1,701 - 1,800	\$1,860.00
6.01 - 7.00	601 - 700	\$980.00	18.01 - 19.00	1,801 - 1,900	\$1,940.00
7.01 - 8.00	701 - 800	\$1,060.00	19.01 - 20.00	1,901 - 2,000	\$2,020.00
8.01 - 9.00	801 - 900	\$1,140.00	20.01 - 100.00	2,001 - 10,000	*
9.01 - 10.00	901 - 1,000	\$1,220.00	101.01 - 500.00	10,001 - 50,000	**
10.01 - 11.00	1,001 - 1,100	\$1,300.00	500.01 & over	50,001 & over	***

For an application including a change in nature of use of water under one (1) or more right(s):

Additional fee of \$250 per application.

For any application including a change in ownership of water right(s) as required per § 42-248, Idaho Code:

Additional fee of \$25.00 per undivided right requiring an ownership change and/or

Additional fee of \$100.00 per divided right requiring an ownership change.

* \$2,020.00 plus \$40.00 for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 20.0 cfs or 2,000 acre-feet.

** \$5,220.00 plus \$20.00 for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 100.0 cfs or 10,000 acre-feet.

*** \$13,220.00 plus \$4.00 for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 500.0 cfs or 50,000 acre-feet.