

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77196

This is to certify that: GRAND VIEW WATER & SEWER ASSN
PO BOX 69
GRAND VIEW ID 83624
(208)834-2571

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>
57-7059	WR/Decreed	02/15/1972	0.5 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

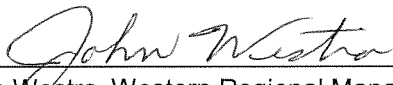
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
57-7059	NO	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
57-7059	57-7059	0.5 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED TOTALS		0.5 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 11th day of May, 2011


John Westra, Western Regional Manager

WATER RIGHT NO. 57-7059
As Modified by Transfer No. 77196

In accordance with the approval of Transfer No. 77196, Water Right No. 57-7059 is now described as follows.

Right Holder: GRAND VIEW WATER & SEWER ASSN
PO BOX 69
GRAND VIEW ID 83624

Priority Date: February 15, 1972

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	1/01	to 12/31	0.50 CFS
			0.50 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNW	Sec. 22 Twp 05S	Rge 03E	OWYHEE County
GROUND WATER	NWNW	Sec. 22 Twp 05S	Rge 03E	OWYHEE County
GROUND WATER	NWNW	Sec. 22 Twp 05S	Rge 03E	OWYHEE County

LOCATION OF PLACE OF USE: (See Conditions of Approval #1 and #2 below)

CONDITIONS OF APPROVAL

1. Place of use is within the service area of Grand View Water and Sewer Assn. as provided for under Idaho law. The place of use is generally located within Sections 15, 16, and 22, Township 5S, Range 3E.
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. This right does not grant any right-of-way or easement across the land of another.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

WATER RIGHT NO. 57-7059
As Modified by Transfer No. 77196

CONDITIONS OF APPROVAL

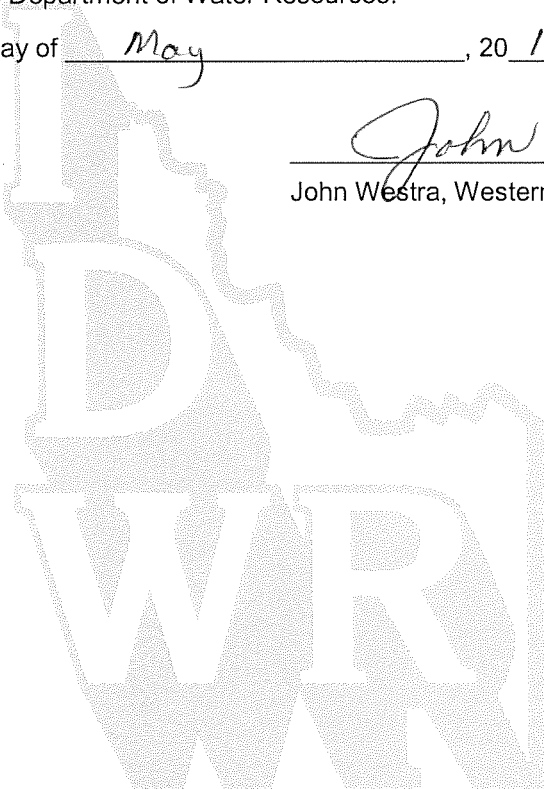
8. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
9. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.

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 11th day of May, 20 11



John Westra, Western Regional Manager



Grand View Water & Sewer Assn. Service Area

Transfer 77196 (Right 57-7059) and Amendment of Permit 57-11780

Map Prepared by: Sharla Curtis
Date: 5/2/2011
2009 NAIP

Legend

-  Points of Diversion
-  Place of Use Boundary
-  Township/Range
-  Sections
-  QQ





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

May 11, 2011

GRAND VIEW WATER & SEWER ASSN
PO BOX 69
GRAND VIEW ID 83624

RE: Transfer No.: 77196
Water Right No(s): 57-7059

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.

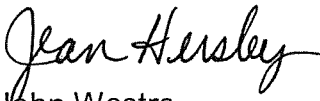
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and 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: HOLLADAY ENGINEERING CO

CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2011 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 77196
WATER RIGHTS NOS. 57-7059

GRAND VIEW WATER & SEWER ASSN
PO BOX 69
GRAND VIEW ID 83624

HOLLADAY ENGINEERING CO
PO BOX 235
PAYETTE ID 83661

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

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.

MEMORANDUM

TO: Files
FROM: Steve Lester 
DATE: April 26, 2011
RE: Transfer No. 77196 & Amendment 57-11780

This memo usually refers to 57-7059 and 57-11780 as rights for convenience.

Grand View Water & Sewer Association recently had a monitoring/test well drilled between its two production wells that provide municipal water to the city. The association proposes to redesign the well as a production well (Well #3) for backup use under decreed right 57-7059 and permit 57-11780.

Contact person for the applicant is consultant Tim Giles, Holladay Engineering Company.

Deviations from Processing Standards

The applications added "inc." to the association name. The rights provided numerous chances over many years to record the name of the organization (including through 2010 for permit). The association is not registered with IDSOS but is presumed to be adequately vetted by the SRBA plus recent permit processing. Furthermore, the applications were signed by Opal Ward, who originally signed in 57-11780. This reinforces the conclusion that nothing has changed. Most likely, "inc." was inadvertently added by the consultant in preparing the applications. Additional information about the entity is not needed, and "inc." can be disregarded.

Disregard volume listed in the transfer application. Disregard the incorrect answer to POU ownership in the amendment application – municipal use allows access to other land.

Current PODs are described by 10-acres tracts. Application processing uses ¼ ¼ instead, see discussion below.

Summary of Information Submitted

Authority to File: The applicant name matches the records, providing authority to file these.

Water Right Validity: The older right was decreed in 1997. Filing for the new right in 2009 confirmed more water was needed for the city. This validates recent use of the older right. The permit is valid and eligible for amendment.

Injury to Other Water Rights: Wells 1 and 2 are used for both rights. Well 3 is located nearby. Using the third well for backup should not injure other rights or domestic wells in the area (only a few found).

Enlargement of Use: Enlarging the rate of flow is not proposed by adding Well 3. Volume is not applicable to both municipal rights.

Local Public Interest: Local residents benefit from a more reliable municipal system.

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

The applications should be processed because they are consistent with criteria of I. C. § 42-211 and 42-222.

Discussion

SRBA objections and permit protests were not filed regarding Wells 1 and 2. Well 3 is nearby and no closer to other non-municipal wells than Wells 1 and 2. Legal notices are not needed to add Well 3 to the system.

See attached 2009 aerial photo showing the following:

- Wells (1) and (2) - centroids in NENWNW and NWNWNW, 57-7059.
- Same wells - centroids in NWNW, 57-11780.
- Well 3 - well layer per GPS data.
- Actual locations Wells 1 and 2 drawn on photo per 1990 SRBA field exam.
- 10-acre lines penciled in.
- Wells 2 and 3 confirmed in NWNWNW.
- Well 1 on/near line.
- Applicant owns large tax lot falling in all four 10-acre tracts NWNW.

A possible future replacement well would probably be in that tax lot. Approving the applications with two of the three wells in 10-acre tracts could require a transfer of limited value similar to this one – processed without legal notices or comment letters. There is not significant public benefit to requiring 10-acre locations for Wells 2 and 3. Listing all 3 wells in NWNW is the best solution in this case. GIS mapping will confirm actual locations if needed.

Condition 046 is useful for two reasons: (a) drilling fee upgrade is needed to change well status, and (b) modifying Well 3 for municipal use will most likely require another drilling permit.

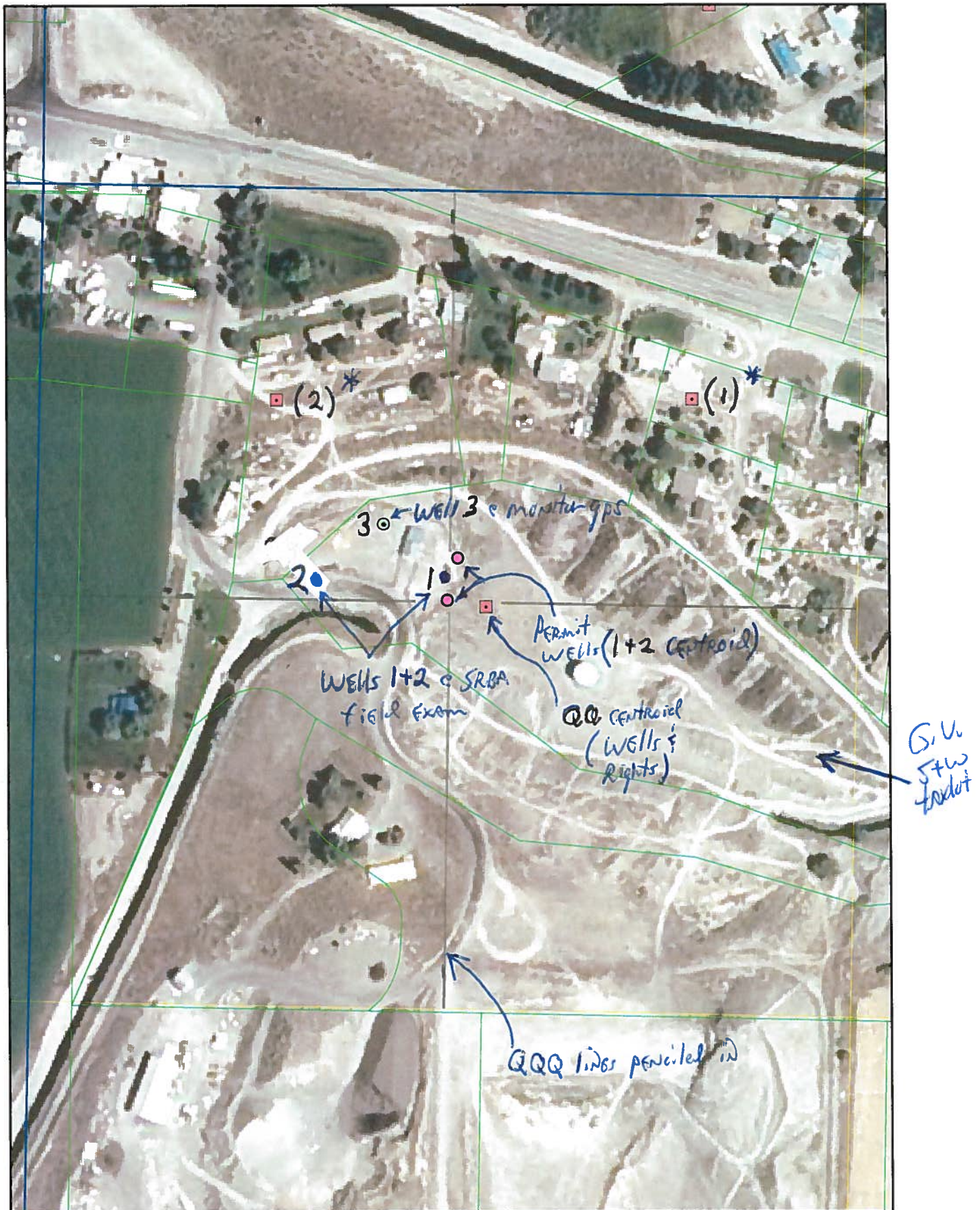
57-11780 requires a 100-200 ft. water bearing zone. Well 3 was originally drilled to about 1000 ft. and encountered warm water at lower depths. It was backfilled to 158 ft. and includes casing perforations from 102-118 ft. for cold water (Rob Whitney and well log). Well 3 meets the water bearing zone and temperature requirements in 57-11780.

The transfer includes standard conditions and some adopted from 57-11780 based on the same wells (example: 073, no low temperature geothermal water).

The 57-7059 service area was not previously mapped but will be in approving these applications.

Both applications should be expedited and approved to help the people of Grand View.

SS 36 S, 22 NWNW



* Wells (1) + (2) ARE QQQ centroid @ 57.7059, not actual locations

Review Memo Attachment