

STAFF MEMORANDUM

To: Peter Anderson
From: Gary Spackman 
Date: October 4, 2006

Re: Application for Transfer no. 72128 (Water Right Nos. 61-2072, 61-2167, 61-2170, 61-2210, 61-7184, 61-7339) in the name of the City of Mountain Home

On September 26, 2006, Peter Anderson, the hearing officer for the above titled matter, requested that the Idaho Department of Water Resources (IDWR) submit a staff memorandum.

As a result of the request, the staff memorandum is submitted in the form of a draft transfer approval document. The draft transfer approval document is attached. The draft transfer approval document contains conditions of approval that should be reviewed by the parties and by the hearing officer.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72128

This is to certify that: CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME ID 83647
(208)587-2108

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>
61-2167	WR/Decreed	04/06/1964	1.97 cfs	628 af	N/A	157.0	GROUND WATER
61-2210	WR/Decreed	09/30/1966	5.35 cfs	1172 af	N/A	293.0	GROUND WATER
61-2072	WR/Decreed	03/13/1931	2.00 cfs	N/A	N/A	N/A	GROUND WATER
61-2170	WR/Decreed	05/27/1964	9.64 cfs	N/A	N/A	N/A	GROUND WATER
61-7184	WR/Decreed	04/22/1974	4.35 cfs	N/A	N/A	N/A	GROUND WATER
61-7339	WR/Decreed	08/18/1977	4.50 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>
61-2167	NO	YES	YES	YES	NO	NO
61-2210	NO	YES	YES	YES	NO	NO
61-2072	NO	NO	NO	YES	NO	NO
61-2170	NO	NO	NO	YES	NO	NO
61-7184	NO	NO	NO	YES	NO	NO
61-7339	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>
61-2167	61-2167	1.97 cfs	628.0 af	N/A	N/A		N/A	N/A	N/A	N/A
61-2210	61-2210	5.35 cfs	1172.0 af	N/A	N/A		N/A	N/A	N/A	N/A
61-2072	61-2072	2.00 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
61-2170	61-2170	9.64 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
61-7184	61-7184	4.35 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
61-7339	61-7339	4.50 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED TOTALS		27.81 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72128

Detailed Water Right Description(s) attached

Dated this _____ day of _____, 20____

Chief, Water Allocation Bureau

Draft

**WATER RIGHT NO. 61-2167
As Modified by Transfer No. 72128**

In accordance with the approval of Transfer No. 72128, Water Right No. 61-2167 is now described as follows.

Right Holder: CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME ID 83647

Priority Date: April 06, 1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	1.97 CFS	628.0 AF
			1.97 CFS	628.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 13 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NENE	Sec. 23 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NWNW	Sec. 25 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SESE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NESE	Sec. 19 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	L1 (NWNW)	Sec. 30 Twp 03S	Rge 07E	ELMORE County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. This right is limited to the irrigation of 157 acres within the authorized place of use in a single irrigation season.
3. Prior to diversion and use of water for irrigation purposes under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a daily basis.
4. Rights 61-2072, 61-2170, 61-7184 and 61-7339 when combined shall not exceed a total diversion rate of 20.49 cfs, and a total annual maximum diversion volume of 14,834 af for municipal purposes; and when combined with irrigation rights 61-2167 and 61-2210 are limited to a total diversion rate of 27.81 cfs and a total annual maximum diversion volume of 16,634 af.
5. Every 5 years, or more frequently if deemed necessary by the department, the right holder shall submit an analysis of the number of acres irrigated within the authorized place of use that are not already covered by Mountain Home Irrigation District or other surface water rights, which will include an aerial photo clearly designating all lands being irrigated.

WATER RIGHT NO. 61-2167
As Modified by Transfer No. 72128

CONDITIONS OF APPROVAL

6. The right holder shall submit a report annually to the department demonstrating that the water diverted under rights 61-2167 and 61-2210 is necessary to satisfy demands for irrigation use during the authorized period of use. The annual report shall include the maximum daily volume diverted for all purposes during both the irrigation season and the non-irrigation season. The annual report shall also include the total volume diverted for all purposes during both the irrigation season and the non-irrigation season. After specific notification by the department, the right holder shall provide to the department any data used to compile the report.
7. Any diversions of water under this right shall not be allowed if irrigation within the authorized place of use is curtailed or ceases for any reason.
8. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. The diversion and use of water described in Transfer 72128 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
11. 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.
12. This right does not grant any right-of-way or easement across the land of another.
13. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
14. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
15. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre for irrigation of the authorized place of use.
16. Rights 61-2210, 61-2072, 61-2170, 61-7184 and 61-7339 are also diverted through the points of diversion described above.

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 _____ day of _____, 20____

Chief, Water Allocation Bureau

WATER RIGHT NO. 61-2210
As Modified by Transfer No. 72128

In accordance with the approval of Transfer No. 72128, Water Right No. 61-2210 is now described as follows.

Right Holder: CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME ID 83647

Priority Date: September 30, 1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	5.35 CFS	1,172.0 AF
			5.35 CFS	1,172.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 13 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NENE	Sec. 23 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NWNW	Sec. 25 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SESE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NESE	Sec. 19 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	L1 (NWNW)	Sec. 30 Twp 03S	Rge 07E	ELMORE County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. This right is limited to the irrigation of 293 acres within the authorized place of use in a single irrigation season.
3. Prior to diversion and use of water for irrigation purposes under this right, the right holder shall install a totalizing measuring device of a type approved by the department on each point of diversion to measure the volume of water diverted. The measuring devices shall be read and recorded on a daily basis.
4. Rights 61-2072, 61-2170, 61-7184 and 61-7339 when combined shall not exceed a total diversion rate of 20.49 cfs, and a total annual maximum diversion volume of 14,834 af for municipal purposes; and when combined with irrigation rights 61-2167 and 61-2210 are limited to a total diversion rate of 27.81 cfs and a total annual maximum diversion volume of 16,634 af.
5. Every 5 years, or more frequently if deemed necessary by the department, the right holder shall submit an analysis of the number of acres irrigated within the authorized place of use that are not already covered by Mountain Home Irrigation District or other surface water rights, which will include an aerial photo clearly designating all lands being irrigated.

**WATER RIGHT NO. 61-2210
As Modified by Transfer No. 72128**

CONDITIONS OF APPROVAL

6. The right holder shall submit a report annually to the department demonstrating that the water diverted under rights 61-2167 and 61-2210 is necessary to satisfy demands for irrigation use during the authorized period of use. The annual report shall include the maximum daily volume diverted for all purposes during both the irrigation season and the non-irrigation season. The annual report shall also include the total volume diverted for all purposes during both the irrigation season and the non-irrigation season. After specific notification by the department, the right holder shall provide to the department any data used to compile the report.
7. Any diversions of water under this right shall not be allowed if irrigation within the authorized place of use is curtailed or ceases for any reason.
8. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. The diversion and use of water described in Transfer 72128 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
11. 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.
12. This right does not grant any right-of-way or easement across the land of another.
13. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
14. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
15. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre for irrigation of the authorized place of use.
16. Rights 61-2167, 61-2072, 61-2170, 61-7184 and 61-7339 are also diverted through the points of diversion described above.

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 _____ day of _____, 20____

Chief, Water Allocation Bureau

WATER RIGHT NO. 61-2072
As Modified by Transfer No. 72128

In accordance with the approval of Transfer No. 72128, Water Right No. 61-2072 is now described as follows.

Right Holder: CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME ID 83647

Priority Date: March 13, 1931

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	2.00 CFS
			2.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 13 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NENE	Sec. 23 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NWNW	Sec. 25 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SESE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NESE	Sec. 19 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	L1 (NWNW)	Sec. 30 Twp 03S	Rge 07E	ELMORE County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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.
5. This right does not grant any right-of-way or easement across the land of another.
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 determine the amount of water diverted from power records and shall annually report the information to the Department.

WATER RIGHT NO. 61-2072
As Modified by Transfer No. 72128

CONDITIONS OF APPROVAL

7. The diversion and use of water described in Transfer 72128 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
8. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
9. Rights 61-2167, 61-2210, 61-2170, 61-7184 and 61-7339 are also diverted through the points of diversion described above.

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 _____ day of _____, 20_____

Chief, Water Allocation Bureau

Draft

WATER RIGHT NO. 61-2170
As Modified by Transfer No. 72128

In accordance with the approval of Transfer No. 72128, Water Right No. 61-2170 is now described as follows.

Right Holder: CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME ID 83647

Priority Date: May 27, 1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	1/01 to	12/31	9.64 CFS
			9.64 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 13 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NENE	Sec. 23 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NWNW	Sec. 25 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SESE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NESE	Sec. 19 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	L1 (NWNW)	Sec. 30 Twp 03S	Rge 07E	ELMORE County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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.
5. This right does not grant any right-of-way or easement across the land of another.
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 determine the amount of water diverted from power records and shall annually report the information to the Department.

WATER RIGHT NO. 61-2170
As Modified by Transfer No. 72128

CONDITIONS OF APPROVAL

7. The diversion and use of water described in Transfer 72128 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
8. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
9. Rights 61-2167, 61-2210, 61-2072, 61-7184 and 61-7339 are also diverted through the points of diversion described above.

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 _____ day of _____, 20_____

Chief, Water Allocation Bureau

Draft

WATER RIGHT NO. 61-7184
As Modified by Transfer No. 72128

In accordance with the approval of Transfer No. 72128, Water Right No. 61-7184 is now described as follows.

Right Holder: CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME ID 83647

Priority Date: April 22, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	1/01	12/31	4.35 CFS
			4.35 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 13 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NENE	Sec. 23 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NWNW	Sec. 25 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SESE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NESE	Sec. 19 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	L1 (NWNW)	Sec. 30 Twp 03S	Rge 07E	ELMORE County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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.
5. This right does not grant any right-of-way or easement across the land of another.
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 determine the amount of water diverted from power records and shall annually report the information to the Department.

WATER RIGHT NO. 61-7184
As Modified by Transfer No. 72128

CONDITIONS OF APPROVAL

7. The diversion and use of water described in Transfer 72128 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
8. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
9. Rights 61-2167, 61-2210, 61-2072, 61-2170 and 61-7339 are also diverted through the points of diversion described above.

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 _____ day of _____, 20_____

Chief, Water Allocation Bureau

Draft

WATER RIGHT NO. 61-7339
As Modified by Transfer No. 72128

In accordance with the approval of Transfer No. 72128, Water Right No. 61-7339 is now described as follows.

Right Holder: CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME ID 83647

Priority Date: August 18, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	1/01	to 12/31	4.50 CFS
			4.50 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESW	Sec. 13 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NENE	Sec. 23 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NWNW	Sec. 25 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SENE	Sec. 26 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SWNE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	SESE	Sec. 27 Twp 03S	Rge 06E	ELMORE County
GROUND WATER	NESE	Sec. 19 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	NENW	Sec. 30 Twp 03S	Rge 07E	ELMORE County
GROUND WATER	L1 (NWNW)	Sec. 30 Twp 03S	Rge 07E	ELMORE County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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.
5. This right does not grant any right-of-way or easement across the land of another.
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 determine the amount of water diverted from power records and shall annually report the information to the Department.

WATER RIGHT NO. 61-7339
As Modified by Transfer No. 72128

CONDITIONS OF APPROVAL

7. The diversion and use of water described in Transfer 72128 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
8. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
9. Rights 61-2167, 61-2210, 61-2072, 61-2170 and 61-7184 are also diverted through the points of diversion described above.

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 _____ day of _____, 20_____

Chief, Water Allocation Bureau

Draft

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of October, 2006, the IDWR Staff Memorandum was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

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