

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 71722

Revisions
Approved:

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

SBF 8/30/04

RECEIVED

JUN 20 2002

WATER RESOURCES
WESTERN REGION

Name of applicant City of Idaho City

Phone (208) 392-4584

Post Office address P.O. Box 130, Idaho City, Idaho 83631

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. **Describe the reason for the proposed changes** Install check dam in Elk Creek to divert WEST
water to Idaho City Treatment Plant and the collection wells adjacent to
Elk Creek. This change was authorized during the 2001 season. See the
attached Order Authorizing Temporary Change.

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

1.	Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
	<u>2627</u> <u>63-15422*</u>	<u>12/17/1945</u>	<u>.36cfs</u>	<u>Municipal</u>	<u>01/01</u>	to <u>12/31</u>
						to
						to
						to

2. Total amount of water being transferred .36 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Elk Creek tributary to Mores Creek
Elk Creek

4. Point(s) of Diversion: Ground water

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NW		26	6N	5E	Boise	-check dam on Elk Creek at Idaho City Water Treatment Plant.
								-collection wells for Idaho City Water Treatment Plant (2 wells)

5. Lands irrigated or place of use: City of Idaho City and surrounding service area.

[illegible]

* This water right was licensed as 63-2627, but claimed in the SRBA as 63-15422, but subsequently renumbered and recommended in SRBA as 63-2627.

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PART 1

6. General Information:

a. Description of diversion system Check dam in Elk Creek, shallow collection wells, Idaho City Water Treatment Plant.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
N/A

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-2627 * issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Elk Creek tributary to Mores Creek

4. Date or priority 12/17/1945

5. Water is used for the following purpose:

amount .36 for Municipal purposes from 01/01 to 12/31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right .36 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	26	6N	5E	Boise County	- collection wells
		SE						

8. Lands irrigated or place of use: City of Idaho City and surrounding service area.

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

9. Describe any other water rights used for the same purpose as described above NONE

** and current SRBA Recommendation*

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 _____ No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: Add point of diversion and check dam in Elk Creek.

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

PS 476

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**

SEE ATTACHMENT B

PART 3**B. CHANGES IN NATURE OF USE**

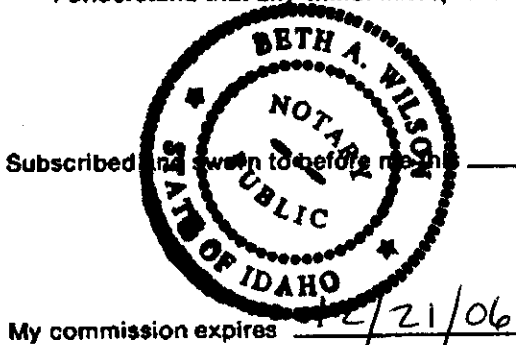
<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Phillip J. Canady, Mayor
(Signature of Applicant)
17th day of JUNE, 2002

Beth A. Wilson
(Notary Public)

My commission expires 12/21/06**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 2 attachmentsReceived by J. Fontaine Date 6/20/02 Protest filed by _____Prelim. check by JL Fee \$250 _____Received by J. Fontaine Date 6/20/02 W029349

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 63-2627 IN THE NAME)
OF THE CITY OF IDAHO CITY)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

WHEREAS, a drought emergency has been declared for Boise County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, Section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources (Department) is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water, as provided in Section 42-240, Idaho Code, when the director determines that such changes can be accomplished in accordance with the provisions of Section 42-222A, Idaho Code; and

WHEREAS, on July 20, 2001, the City of Idaho City ("applicant") submitted the attached Temporary Change Application ("application") to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions; and

WHEREAS, The applicant assumes all risk and is the responsible party if diversion and use of water under the temporary change approval causes injury to other water rights or constitutes an enlargement in use of the original right;

ORDER

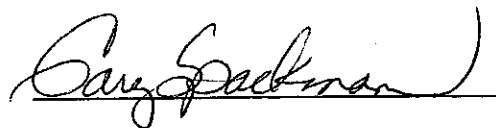
IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of right no(s). 63-2627 is authorized only at the point of diversion and place of use described on the application or as otherwise approved in this order.
2. This temporary change approval does not authorize construction of a new well as a new point of diversion.
3. The water right holder shall obtain a stream channel alteration permit prior to conducting any work that would disturb the stream channel of Elk Creek below the ordinary high water mark.

Attachment A

4. This temporary change approval may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.
5. The applicant agrees to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
6. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
7. The watermaster of Water District no. 63 is authorized to administer the temporary change approval.
8. Water shall not be diverted from the new point of diversion until water is rented from the Boise River Rental Pool. The water right holder shall not divert more water from Elk Creek than is rented from the Boise River Rental Pool.
9. The permit holder shall install a measuring device prior to diverting water from the points of diversion described by this approval. The water right holder shall report the volume of water diverted from Elk Creek by January 15, 2002.
10. This temporary change approval expires on January 1, 2002 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 7th day of August, 2001.



GARY SPACKMAN
Regional Manager

RECEIVED

JUL 20 2001

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of applicant CITY OF IDAHO CITY Phone 208-392-4584
Post Office address PO Box 130 Idaho City 83631**A. PURPOSE OF TRANSFER**

- 1.
- ☐
- Change point of diversion
- ☒
- Add diversion point(s)
- ☐
- Change place of use
-
- ☐
- Change purpose of use
- ☒
- Other

2. Describe the proposed change(s) and the reason(s) therefor Install temporary check dam to increase water table due to drought conditions**B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE**

1. Right Number	Priority	Amount	Nature	Period of Use
63-4073	12/17/1945	.36 cfs	Carry Water	1/1 to 12/31
63-4712	1/1/1984			
63-2627	12/25/1945	.36	Domestic	1/1 to 12/31

delete, use 63-2627 instead
period assumed, not defined in license

2. Total amount of water being transferred .36 cubic feet/second and/or _____ acre-feet per annum.3. Source of water Elk Creek tributary to Mores Creek

4. Point(s) of Diversion:

PROPOSED point is checkdam on creek

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	HW		26	6N	SE	BOISE	Idaho City Water Treatment Plant

5. Lands irrigated or Place(s) of Use:

No Change

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total acres _____

• Revisions per 7/25/01 tel. call with
Beth Wilson, City Clerk.
-82

A3

6. General Information:

- a. Who owns the water right to be changed? City of Idaho City
- b. Describe the arrangement allowing use of the right _____
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this application:
None
- d. Has the water right sought to be transferred been used this year? YES If yes, explain. USE CREEK
water all year
- e. Absent the changes, how would the right be used for the remainder of the year? USE right as available
water allows, risk is city will run out of water without temporary change
- f. Describe other water rights used for the same purpose.
See Summary dated 6/14/01

g. Remarks:

Joint 404 Application sent to Boise office of Army Corps same day mailed
temp. change application did not send SCA filing to IDWR Western
Region office will follow up with city & corps to correct this oversight.

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Steven C. Hansen
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by K6 Date 7/20/01 Fee \$50
Receipted 7/20/01 #10028059 Recommend: approve deny
Watermaster recommendation _____

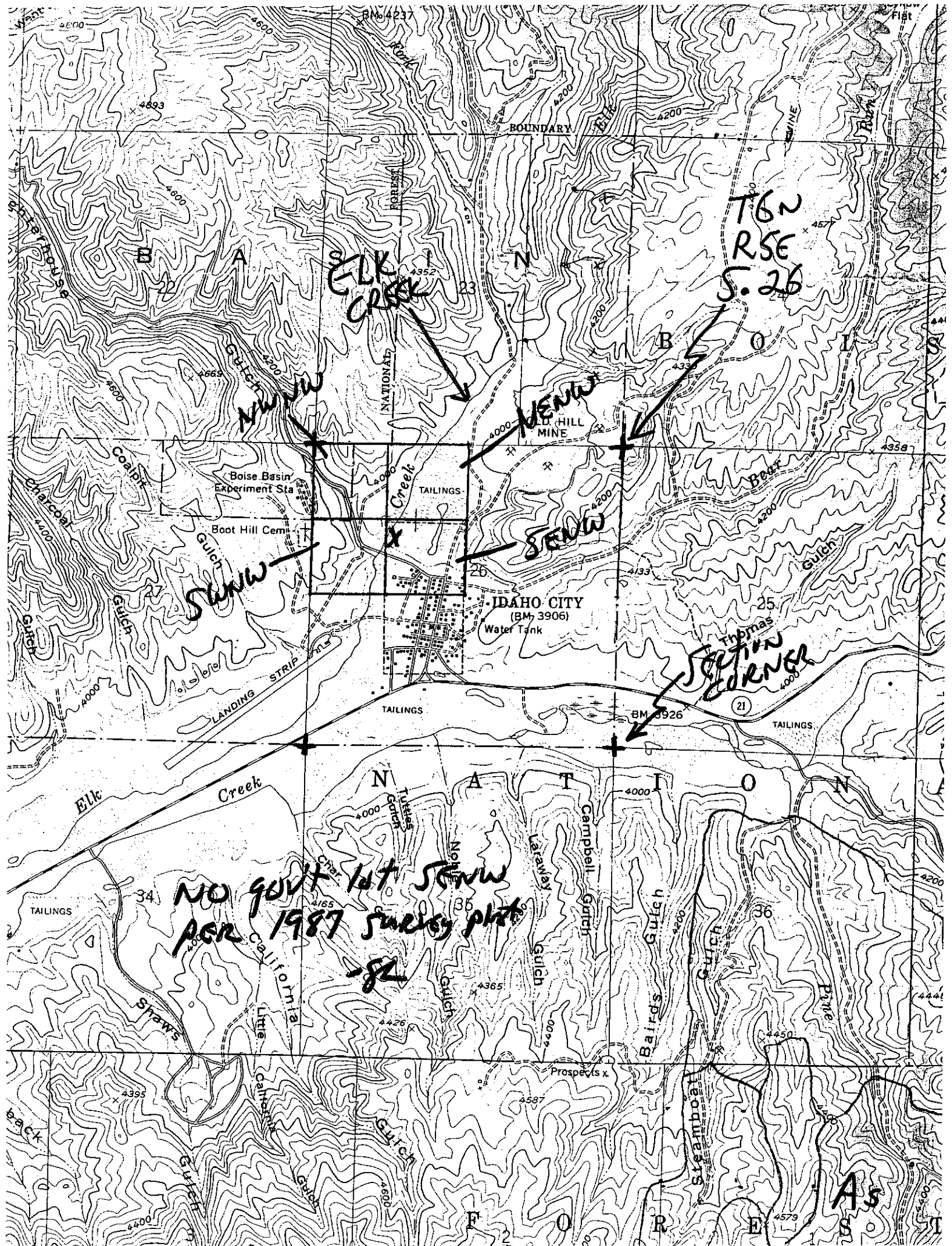
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

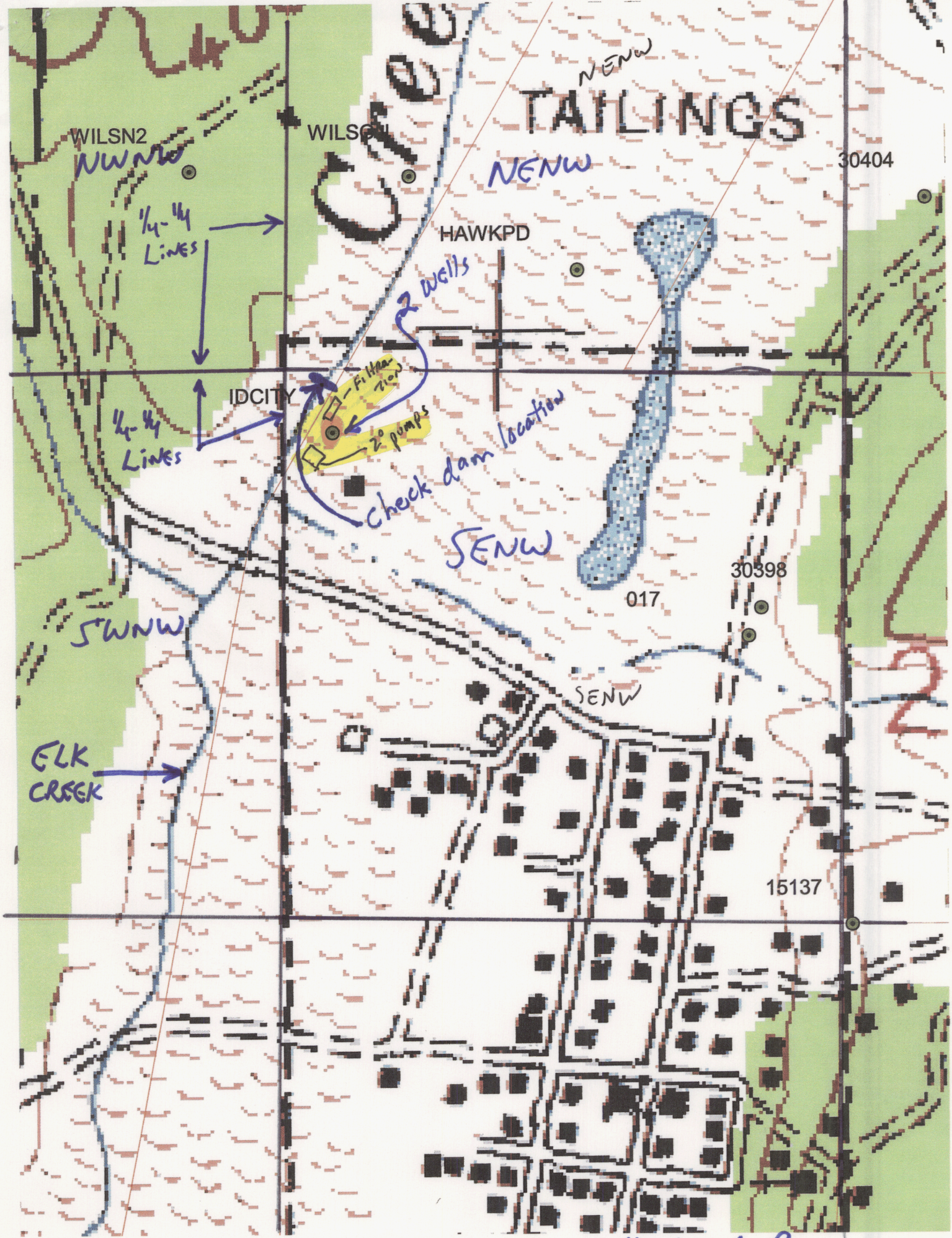
This is to certify that I have examined Temporary Change Application No. _____
And said application is hereby Approved, subject to the following limitations and conditions:

See Order Authorizing Temporary Change dated August 7, 2001.

Witness my hand this 7th day of August, 2001

Dary Spackman
Western Regional Mgr.





WILSON2
NWNW

WILSON

NENW
TAILINGS

30404

1/4-1/4
Lines

HAWKPD

2 wells

1/4-1/4
Lines

IDCITY

Filter Tion
20 pumps
check dam location

SENW

30398

017

SWNW

SENW

ELK
CREEK

15137

3 P/O SENW

Attachment B