

Page 1 of 20STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 72128APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant City of Mountain Home Phone (208) 587-2104Post Office address PO BOX 10, Mountain Home, ID 83647

A. PURPOSE OF TRANSFER

AMENDED

1. ☒ Change point of diversion ☒ Add diversion point ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To provide additional diversion capacity and volume for irrigation supply to meet current and future requirements

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE *See Conditon 1 on water right

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|-------------------|--------------------|-------------------|-----------------------|
| <u>61-2167</u> | <u>04/06/1964</u> | <u>1.97/628</u> | <u>Irrigation</u> | <u>3/15 to 11/15*</u> |
| <u>61-2210</u> | <u>09/30/1966</u> | <u>5.35/1172</u> | <u>Irrigation</u> | <u>3/15 to 11/15*</u> |
| <u>61-2072</u> | <u>03/13/1931</u> | <u>2.00/---</u> | <u>Municipal</u> | <u>01/01 to 12/31</u> |
| <u>61-2170</u> | <u>05/27/1964</u> | <u>9.64/---</u> | <u>Municipal</u> | <u>01/01 to 12/31</u> |
| <u>61-7184</u> | <u>04/22/1974</u> | <u>4.35/---</u> | <u>Municipal</u> | <u>01/01 to 12/31</u> |
| <u>61-7339</u> | <u>08/18/1977</u> | <u>4.50/---</u> | <u>Municipal</u> | <u>01/01 to 12/31</u> |
2. Total amount of water being transferred 27.91 cubic feet per second and/or --- acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: City of Mountain Home Wells (see Exhibit A)

Lot	¼	1/4	¼	Sec.	Twp.	Rge	County	Local name for diversion
		SE	SW	13	03S	06E	Elmore	Well #12
		NE	NE	23	03S	06E	Elmore	Legacy Park Well
		NW	NW	25	03S	06E	Elmore	Well #8
		SE	NE	26	03S	06E	Elmore	Well #1
		SE	NE	26	03S	06E	Elmore	Well #6
		SW	NE	27	03S	06E	Elmore	Well #13
		SE	SE	27	03S	06E	Elmore	Well #11
		SW	NE	36	03S	06E	Elmore	Shop Well
		SW	SW	01	04S	06E	Elmore	WWTP Well
		NE	NW	30	03S	07E	Elmore	Well #4
		NE	NW	30	03S	07E	Elmore	Well #5
		NW	NW	30	03S	07E	Elmore	Well #9
		NE	SE	19	03S	07E	Elmore	Well #14

5. Lands irrigated or place of use: City of Mountain Home Water System Service Area (Exhibit A)

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE 1/4	NW 1/4	SW 1/4	SE ¼	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 ---

6. General Information:

a. Description of diversion system Three new wells, the ten existing wells, existing storage tank(s), and the distribution system

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
☐ 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 effect on the land now irrigated if the place of use is changed pursuant to this transfer:
The 450 acres currently irrigated with water rights 61-2210 and 61-2167 will no longer be irrigated

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 _____.

Page 1

Transfer No. _____

Receipt No. _____

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

Current Water Right No. 61-2072

Priority Date: 03/13/1931

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER**Tributary to:**

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
MUNICIPAL	01/01 12/31	2.00 CFS		
	Total Diversion	2.00 CFS		

Source and Point(s) of Diversion:

GROUND WATER	SWNE	03S 06E	27	ELMORE
GROUND WATER	SENE	03S 06E	26	ELMORE
GROUND WATER	NWNW	03S 06E	25	ELMORE
GROUND WATER	SESW	03S 06E	13	ELMORE
GROUND WATER	L1 (NWNW)	03S 07E	30	ELMORE
GROUND WATER	NENW	03S 07E	30	ELMORE
GROUND WATER	SESE	03S 06E	27	ELMORE
GROUND WATER	NESE	03S 07E	19	ELMORE
GROUND WATER	SENE	03S 06E	26	ELMORE
GROUND WATER	NENW	03S 07E	30	ELMORE

Conditions/Remarks:

1. The rate of diversion from the new well shall not exceed 7.00 cfs.
2. The new well located in the NESE, S19, T3S, R7E shall be constructed with a port and column inside the well casing and extending to the pumping bowls for the purpose of measuring ground water depths.

Page 2

Transfer No. _____

Receipt No. _____

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

Current Water Right No. 61-2072

3. After specific notification by the Department, the right holder shall measure the diversion 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.
4. Use of water under this right may be affected by an agreement between the protestant and the right holder.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Place of use is within the service area of the City of Mountain Home municipal water supply system as provided for under Idaho Law.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
10. 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.
11. The total instantaneous diversion of water from all points of diversion under Rights 61-2072, 61-2170, 61-7184 and 61-7339 shall not exceed 20.49 cfs.
12. Rights 61-2170, 61-7184 and 61-7339 are also diverted through the points of diversion described above.
13. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

Page 3

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

Transfer No. _____

Receipt No. _____

Current Water Right No. 61-2072

Documentation of Ownership of the Current Place of Use

Not required with transfer

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

No

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Land will no longer be irrigated

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

No

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

Current Water Right No. 61-2167

Priority Date: 04/06/1964
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER **Tributary to:**

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	11/01	1.97 CFS	628.0 AFA	
Total Diversion			1.97 CFS	628.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER L5 (NWSW) 04S 05E 19 ELMORE

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	05E	19									38.0	39.0	40.0	40.0					157.0
											L 5	L 8							

Total Acres: 157

Conditions/Remarks:

1. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2. THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
3. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Page 2

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

Transfer No. _____

Receipt No. _____

Current Water Right No. 61-2167

Documentation of Ownership of the Current Place of Use

See Attached

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

No

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Land will no longer be irrigated

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

No

Page 1

Transfer No. _____

Receipt No. _____

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

Current Water Right No. 61-2170

Priority Date: 05/27/1964

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER**Tributary to:**

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
MUNICIPAL	1/01 12/31	9.64 CFS	628.0 AFA	
	Total Diversion	9.64 CFS		

Source and Point(s) of Diversion:

GROUND WATER	SWNE	03S 06E	27	ELMORE
GROUND WATER	SENE	03S 06E	26	ELMORE
GROUND WATER	NWNW	03S 06E	25	ELMORE
GROUND WATER	SESW	03S 06E	13	ELMORE
GROUND WATER	L1 (NWNW)	03S 07E	30	ELMORE
GROUND WATER	NENW	03S 07E	30	ELMORE
GROUND WATER	SESE	03S 06E	27	ELMORE
GROUND WATER	NESE	03S 07E	19	ELMORE
GROUND WATER	SENE	03S 06E	26	ELMORE
GROUND WATER	NENW	03S 07E	30	ELMORE

Conditions/Remarks:

1. The rate of diversion from the new well shall not exceed 7.00 cfs.
2. The new well located in the NESE, S19, T3S, R7E shall be constructed with a port and column inside the well casing and extending to the pumping bowls for the purpose of measuring ground water depths.

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

Current Water Right No. 61-2170

3. After specific notification by the Department, the right holder shall measure the diversion 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.
4. Use of water under this right may be affected by an agreement between the protestant and the right holder.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Place of use is within the service area of the City of Mountain Home municipal water supply system as provided for under Idaho Law.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
10. 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.
11. The total instantaneous diversion of water from all points of diversion under Rights 61-2072, 61-2170, 61-7184 and 61-7339 shall not exceed 20.49 cfs.
12. Rights 61-2072, 61-7184 and 61-7339 are also diverted through the points of diversion described above.
13. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

Page 3

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

Transfer No. _____

Receipt No. _____

Current Water Right No. 61-2170

Documentation of Ownership of the Current Place of Use

Not required with transfer

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

No

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Land will no longer be irrigated

To your knowledge, has any portion of the water right undergone a period of five (5) or more consecutive years of non-use?

No

Page 1

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

Transfer No. _____
Receipt No. _____

Current Water Right No. 61-2210

Priority Date: 09/30/1966
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

Tributary to:

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	11/01	5.35 CFS	1,172.0 AFA	
Total Diversion			5.35 CFS	1,172.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWNE 04S 05E 30 ELMORE

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	05E	19													26.0	37.0	39.0	40.0	142.0
04S	05E	30	40.0	39.0	36.0	36.0													151.0

Total Acres: 293

Conditions/Remarks:

1. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2. THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

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

Current Water Right No. 61-2210

3. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Documentation of Ownership of the Current Place of Use

See Attached

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

No

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Land will no longer be irrigated

To your knowledge, has any portion of the water right undergone a period of five (5) or more consecutive years of non-use?

No

Page 1

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

Transfer No. _____

Receipt No. _____

Current Water Right No. 61-7184

Priority Date: 04/22/1974
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

Tributary to:

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
MUNICIPAL	1/01 12/31	4.35 CFS	1,172.0 AFA	
	Total Diversion	4.35 CFS		

Source and Point(s) of Diversion:

GROUND WATER	SWNE	03S 06E	27	ELMORE
GROUND WATER	SENE	03S 06E	26	ELMORE
GROUND WATER	NWNW	03S 06E	25	ELMORE
GROUND WATER	SESW	03S 06E	13	ELMORE
GROUND WATER	L1 (NWNW)	03S 07E	30	ELMORE
GROUND WATER	NENW	03S 07E	30	ELMORE
GROUND WATER	SESE	03S 06E	27	ELMORE
GROUND WATER	NESE	03S 07E	19	ELMORE
GROUND WATER	SENE	03S 06E	26	ELMORE
GROUND WATER	NENW	03S 07E	30	ELMORE

Conditions/Remarks:

1. The rate of diversion from the new well shall not exceed 7.00 cfs.
2. The new well located in the NESE, S19, T3S, R7E shall be constructed with a port and column inside the well casing and extending to the pumping bowls for the purpose of measuring ground water depths.

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

Transfer No. _____

Receipt No. _____

Current Water Right No. 61-7184

3. After specific notification by the Department, the right holder shall measure the diversion 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.
4. Use of water under this right may be affected by an agreement between the protestant and the right holder.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Place of use is within the service area of the City of Mountain Home municipal water supply system as provided for under Idaho Law.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
10. 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.
11. The total instantaneous diversion of water from all points of diversion under Rights 61-2072, 61-2170, 61-7184 and 61-7339 shall not exceed 20.49 cfs.
12. Rights 61-2072, 61-2170 and 61-7339 are also diverted through the points of diversion described above.
13. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

Page 3

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

Transfer No. _____

Receipt No. _____

Current Water Right No. 61-7184

Documentation of Ownership of the Current Place of Use

Not required with transfer

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

No

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Land will no longer be irrigated

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

No

Page 1

Transfer No. _____

Receipt No. _____

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

Current Water Right No. 61-7339

Priority Date: 08/18/1977

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER**Tributary to:**

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
MUNICIPAL	1/01 12/31	4.50 CFS	1,172.0 AFA	
	Total Diversion	4.50 CFS		

Source and Point(s) of Diversion:

GROUND WATER	SWNE	03S 06E	27	ELMORE
GROUND WATER	SENE	03S 06E	26	ELMORE
GROUND WATER	NWNW	03S 06E	25	ELMORE
GROUND WATER	SESW	03S 06E	13	ELMORE
GROUND WATER	L1 (NWNW)	03S 07E	30	ELMORE
GROUND WATER	NENW	03S 07E	30	ELMORE
GROUND WATER	SESE	03S 06E	27	ELMORE
GROUND WATER	NESE	03S 07E	19	ELMORE
GROUND WATER	SENE	03S 06E	26	ELMORE
GROUND WATER	NENW	03S 07E	30	ELMORE

Conditions/Remarks:

1. The rate of diversion from the new well shall not exceed 7.00 cfs.
2. The new well located in the NESE, S19, T3S, R7E shall be constructed with a port and column inside the well casing and extending to the pumping bowls for the purpose of measuring ground water depths.

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

Transfer No. _____

Receipt No. _____

Current Water Right No. 61-7339

3. After specific notification by the Department, the right holder shall measure the diversion 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.
4. Use of water under this right may be affected by an agreement between the protestant and the right holder.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Place of use is within the service area of the City of Mountain Home municipal water supply system as provided for under Idaho Law.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
10. 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.
11. The total instantaneous diversion of water from all points of diversion under Rights 61-2072, 61-2170, 61-7184 and 61-7339 shall not exceed 20.49 cfs.
12. Rights 61-2072, 61-2170 and 61-7184 are also diverted through the points of diversion described above.
13. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

Page 3

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

Transfer No. _____

Receipt No. _____

Current Water Right No. 61-7339

Documentation of Ownership of the Current Place of Use

Not required with transfer

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

No

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Land will no longer be irrigated

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

No

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

RECEIVED

OCT 31 2005

WATER RESOURCES
WESTERN REGION

- A. Draw a map or attach a USGS map indicating 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 ATTACHED – EXHIBIT A -City of Mountain Home Service Area (POU) and existing and new points of diversion after proposed transfer.

EXHIBIT B –Current POD's and POU's of water rights 61-2167 & 61-2210 before proposed transfer

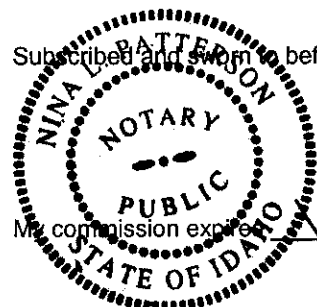
B. CHANGES IN NATURE OF USE

- | 1. | <u>New Nature of Use</u> | <u>Amount</u>
(cfs/ac-ft) | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|--------------------------|------------------------------|------------------------|----------------------|
| | _____ | _____ | _____ | _____ to _____ |
| | _____ | _____ | _____ | _____ to _____ |
2. Quantity and quality of return flows and location of discharge:
None
3. Describe the effects on other water uses resulting from the proposed change:
None

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.

Subscribed and sworn to before me this 27th day of October, 2005.



(Signature of Applicant)

(Notary Public) Nina L. Patterson
Residing in Mtn. Home, ID

PART 3

FOR DEPARTMENT USE ONLY

Transfer contains 20 pages and 3 attachments
Received by db Date 3/21/05 & 10/31/05 Protest filed by _____
Prelim. check by sc Fee _____
Receipted by db #W033175 Date 7/15/05 _____
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 _____

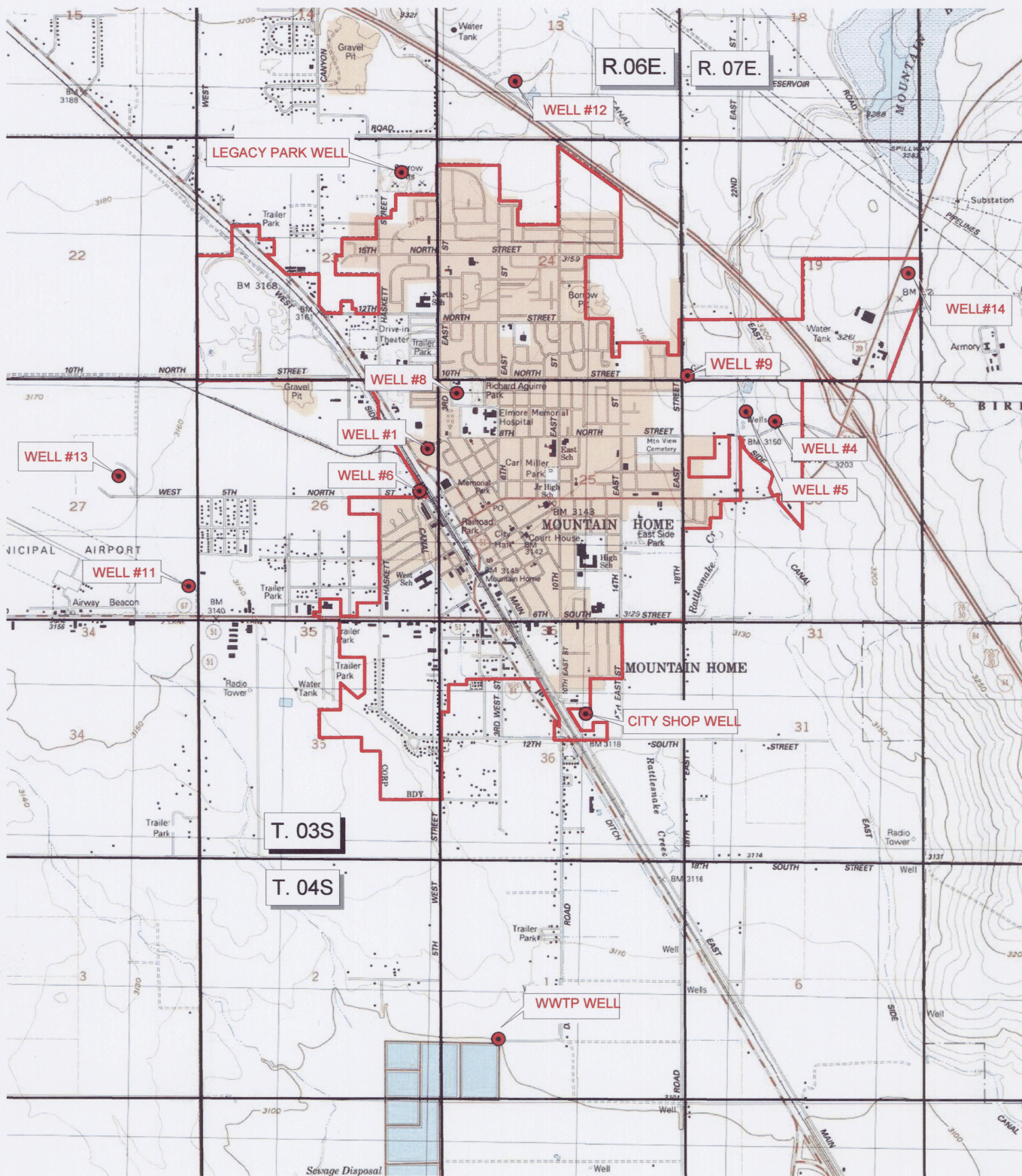


EXHIBIT A
CITY OF MOUNTAIN HOME
POD'S & POU MAP

BROCKWAY ENGINEERING, PLLC.
ALR MARCH 8, 2005

SCANNED
JUL 27 2005



A

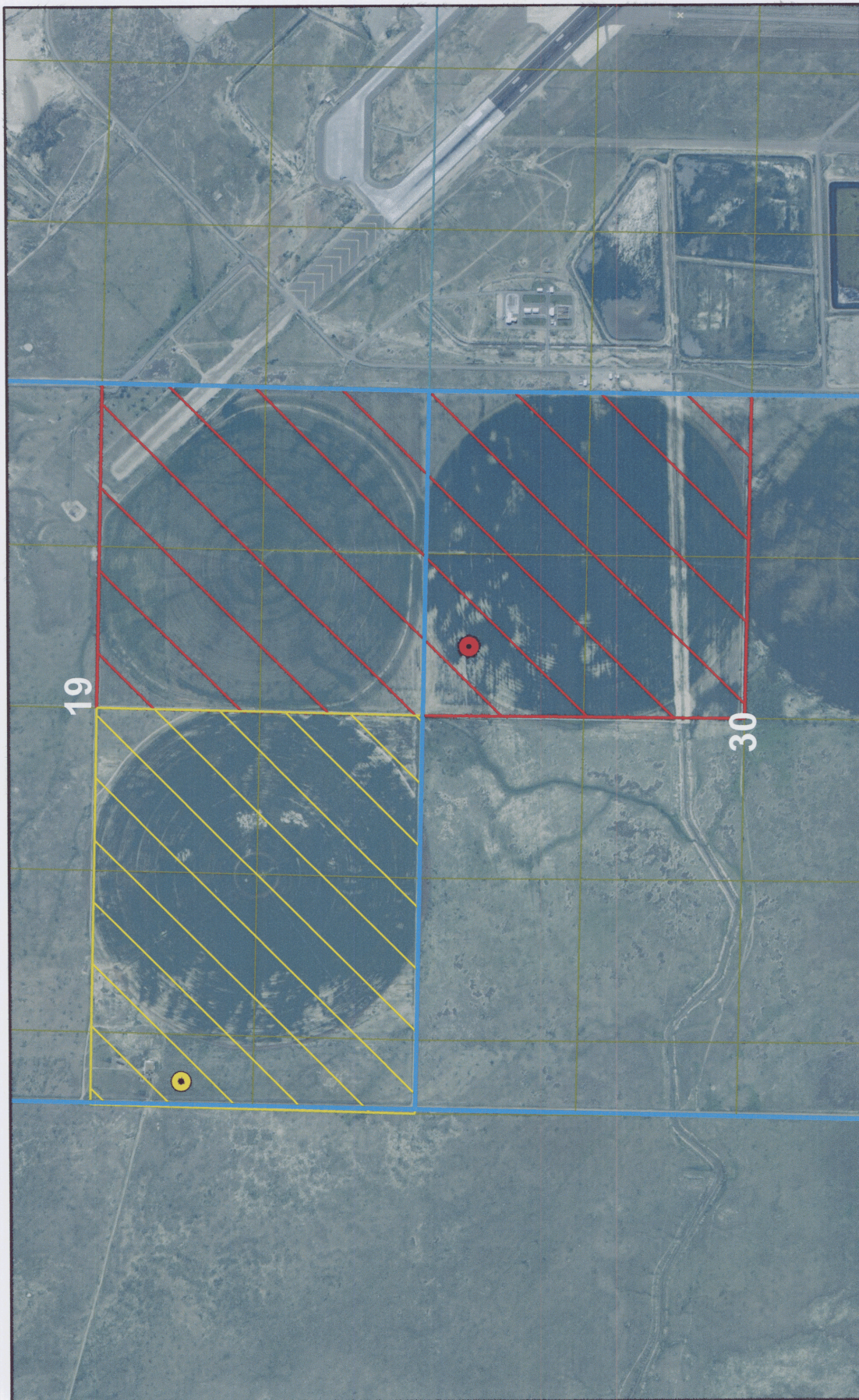
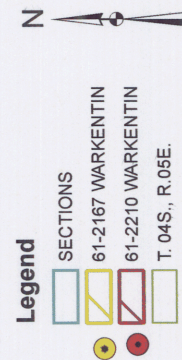
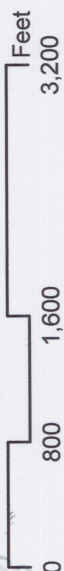


EXHIBIT B
CITY OF MOUNTAIN HOME
NAIP 2004 AERIAL PHOTO



BROCKWAY ENGINEERING, PLLC
 ALR MARCH 1, 2005

SCANNED
 JUL 27 2005

City of Mountain Home, Idaho
 Application for Transfer of Water Rights #61-2167 and 61-2210
Supporting Narrative (Revised 10/24/05)

AMENDED

To Whom It May Concern:

The proposed water right transfer requests a change of a point of diversion, an addition of three points of diversion, and a change in the place of use for Water Right #61-2167 and #61-2210 as outlined under Idaho Code §42-222. The rights have historically supplied irrigation to the Warkentin farm in Sections 19 and 30 T4S R 5E through a well in the NWSW of Section 19 and a well in the NWNE Section 30 (see Exhibit B). The City of Mountain Home has contracted for the purchase of the entirety of these two rights and is requesting a transfer to provide additional irrigation water for the City.

The City of Mountain Home currently has four municipal water rights (61-2072, 61-2170, 61-7184, and 61-7339) that provide water within the City's service area (see Exhibit A). The City of Mountain Home Water System currently has 14 wells in the water supply system although some of the wells are marginal producers, only used on a periodical basis, or not currently being used in production. However, only 10 of the 14 wells are currently listed as points of diversion for these four water rights. These rights currently have a combined total diversion rate of 20.49 cfs or 9196 gpm. Table 1 lists the current rights appurtenant to the City and the rights that are being proposed in this transfer. Whereas Table 2 shows the City's total rights if the transfer were to be approved.

Table 1: Current status of water rights appurtenant to the City of Mountain Home and to the Warkentin farm.

Water Right #	Priority Date	Source	Diversion Rate (cfs & gpm)	Volume (afa)	Beneficial Use	Irrigated Acres	Period of Use
City of Mountain Home's Water Rights							
61-2072	3/13/1931	Ground Water	2.00 / 898		Municipal		1/01 – 12/31
61-2170	5/27/1964	Ground Water	9.64 / 4,326		Municipal		1/01 – 12/31
61-7184	4/22/1974	Ground Water	4.35 / 1,952		Municipal		1/01 – 12/31
61-7339	8/18/1977	Ground Water	4.50 / 2,019		Municipal		1/01 – 12/31
		Total	20.59 / 9,196				
Warkentin's Water Rights							
61-2167	4/06/1964	Ground Water	1.97 / 884	628	Irrigation	157	4/01 – 11/01
61-2210	9/30/1966	Ground Water	5.35 / 2401	1,172	Irrigation	293	4/01 – 11/01
		Total	7.32 / 3,285	1,800		450	

Table 1: Status of the City of Mountain Home's water rights pursuant the proposed transfer.

City of Mountain Home's Total Water Rights with the Proposed Transfer					
Water Right #	Priority Date	Source	Diversion Rate (cfs & gpm)	Beneficial Use	Period of Use
61-2072	3/13/1931	Ground Water	2.00 / 898	Municipal	1/01 – 12/31
61-2170	5/27/1964	Ground Water	9.64 / 4,326	Municipal	1/01 – 12/31
61-7184	4/22/1974	Ground Water	4.35 / 1,952	Municipal	1/01 – 12/31
61-7339	8/18/1977	Ground Water	4.50 / 2,019	Municipal	1/01 – 12/31
61-2167	4/06/1964	Ground Water	1.97 / 884	Irrigation	4/01 – 11/01
61-2210	9/30/1966	Ground Water	5.35 / 2,401	Irrigation	4/01 – 11/01
Total			27.91 / 12,481		

A study currently being completed by Keller Engineering shows that the projected water supply demands and population growth for the City through the year 2030 (See attached documents). Currently Keller estimates that the City had a population of 13,100 in 2003 and has shown that the City's population is experiencing an average increase of 3.5% growth annually in the last decade. With this estimated growth rate the City is predicted to have a population of approximately 33,164 in 2030.

The primary concern for the City is the maximum discharge that is required and that is available under all of the City's current water rights to meet peak hourly summer demands of current and future populations. Keller reports that as of 2004 the City needs an average day demand of 2,904 gpm, a maximum daily requirement of 7,432 gpm, and a peak hourly requirement of approximately 10,500 gpm. However their current water rights limit their current production to 9,196 gpm. Thus, the City of Mountain Home's peak hourly requirement already exceeds their current rights by approximately 1,300 gpm.

With the projected 3.5% growth, the City needs to acquire additional water rights, such as the rights in the proposed transfer, in order to meet their current and future water demands. For example, Keller has projected water supply demands for the years 2022 and 2030. In the year 2022 Keller estimates that the City would need an average day demand of 5,285 gpm, a maximum daily requirement of 13,210 gpm, and a peak hourly requirement of 18,500 gpm. Thus according to these projections, the City would need to acquire the rights for an additional 3,924 gpm to be able to meet their maximum daily requirement and 9,304 gpm to be able to meet their peak hourly requirement. Whereas in the year 2030 Keller has estimates that the City would need an average day demand of 6,960 gpm, a maximum daily requirement of 17,400 gpm, and a peak hourly requirement of 24,350 gpm. Thus according to the 2030 projections, the City would need to acquire the rights for an additional 8,204 gpm to meet their maximum daily requirement and 15,154 gpm to meet their peak hourly requirement in the summertime. The proposed acquisition and transfer of irrigation rights 61-2167 and 61-2210 will provide this additional discharge of 7.32 cfs or 3,285 gpm and annual volume diversion of 1800 acre feet to the City's existing rights. With the additional water provided from these two

water rights the City should be able to meet all of its current demands but will still be short of the projected demands needed for the 2022 and 2030 predictions.

Currently the City is improving two wells in their water supply system. Keller estimates that the City's water supply system will have a maximum production capacity of approximately 11,840 gpm in 2005. However, the city is also planning on installing three additional production wells to further update the water supply system. Each of these new wells will be fully integrated into the existing distribution system. See Exhibit A for location of these wells (points of diversion) and the City's current service area (place of use).

With the City of Mountain Home's current water rights residents are allowed to irrigate their property with the water in the water supply system. In addition the water supply system provides irrigation water to the City's parks and other irrigated lands. The irrigation rights 61-2167 and 61-2210 are being proposed for transfer and are full primary irrigation rights. Thus, since rights 61-2167 and 61-2210 are full primary irrigation rights there should not be any limitations on the use of the water provided from these rights in the irrigation of residences or other property that is already or will be serviced through the cities water supply system. In addition, no new large tracts are proposed to be irrigated with these additional water rights. The period of use for the water rights 61-2167 and 61-2210 are being retained at 4/01 to 11/01 corresponding to the area recognized irrigation season and to meet the summertime peak demands. The Warkentin acreage (450 acres) that is currently being irrigated will be dried up pursuant to this transfer.

If you have any questions concerning this narrative or transfer, please don't hesitate to contact our office. We wish you the best and look forward to working with you on future endeavors.

Sincerely,

Daren T. Nelson, Hydrologist

Charles E. Brockway, P.E., Ph.D.