

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

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 85491 IN THE NAME OF
CITY OF HAGERMAN

**REVISED PRELIMINARY ORDER
DISMISSING HEARING REQUEST,
LIFTING STAY IN PROCEEDINGS,
AND APPROVING TRANSFER
APPLICATION**

BACKGROUND

On October 26, 2021, CITY OF HAGERMAN (“City”), filed Application for Transfer No. 85491 (“Application”) with the Idaho Department of Water Resources (“Department” or “IDWR”). On February 1, 2022, the Department issued a preliminary order approving the Application with conditions (“Approval”). On February 15, 2022, the Department received the City’s letter “*contesting the preliminary order*” and requesting a hearing pursuant to Idaho Code § 42-1701A(3) to review the Approval (“Hearing Request”). The Hearing Request was filed timely.

On April 6, 2022, and June 8, 2022, the Department’s Hearing Officer held prehearing conferences to prepare for the requested hearing. Later on June 8, 2022, the City’s attorney sent an email stating the City’s desire for its technical consultant, J-U-B Engineers, Inc., to meet informally with Department staff members to “sift through the information further.” On June 27, 2022, the Hearing Officer stayed formal proceedings in this matter and referred the matter to informal proceedings pursuant to IDAPA 37.01.01.101.

On November 5, 2024, the Department received the City’s *Notice of Withdrawal of Request for Hearing*, which states:

[T]he City and IDWR have worked on new conditions to satisfy the City’s concerns and the City is withdrawing its request for hearing on the representations by IDWR that an amended transfer approval will be issued with the agreed upon conditions.

AUTHORITIES

Idaho Code § 42-222(1) authorizes the Department to approve water right transfer applications “upon conditions.”

CONCLUSIONS OF LAW

As a result of informal proceedings, the City and the Department proposed revisions to the Approval that resolve the City’s request for a hearing in this matter. Specifically, the proposed revisions change the season of use for water right no. 36-17193 from “2/15 to 11/30” to

“1/1 to 12/31” and add two approval conditions to water right no. 36-17193. The two added approval conditions, numbered 3 and 4 on page five of the revised *Transfer of Water Right: Transfer No. 85491* attached to this order, address the water right owner’s ability to divert and use water from December 1 to February 14. The Hearing Officer has reviewed the proposed revisions to the approval conditions and finds, with one revision, that they maintain the requirements stated in Idaho Code § 42-222(1) for approving a water right transfer.

For accuracy, the Hearing Officer requires one revision to the agreed upon conditions. Proposed condition no. 4 on water right no. 36-17193 ends with a reference to “IDAPA 37.03.08.030.” Since IDAPA 37.03.08 was revised earlier in 2024, there is no IDAPA 37.03.08.030, and there is no directly corresponding rule in the revisions to IDAPA 37.03.08. The reference to IDAPA 37.03.08.030 is not necessary for administration of water right no. 36-17193 consistent with the remaining text of condition no. 4. Therefore, the Hearing Officer should remove from condition no. 4 the statement, “ See IDAPA 37.03.08.030.”

The Hearing Officer should issue a new Approval that includes the proposed revisions, except that proposed condition no. 4 on water right no. 36-17193 should not include the statement, “ See IDAPA 37.03.08.030.”

The Hearing Officer should also acknowledge the City’s *Notice of Withdrawal of Request for Hearing* by dismissing the City’s Hearing Request and lifting the stay in formal proceedings.

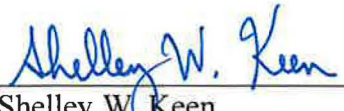
ORDER

IT IS HEREBY ORDERED that the City’s Hearing Request is **DISMISSED**.

IT IS FURTHER HEREBY ORDERED that the stay in formal proceedings in this matter is **LIFTED**.

IT IS FURTHER HEREBY ORDERED that the Application is **APPROVED** subject to the conditions set forth in *Transfer of Water Right: Transfer No. 85491* issued in conjunction with this order.

Dated this 19th day of November 2024


Shelley W. Keen
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of November, 2024, true and correct copies of the document described below were served by placing a copy of the same with the United States Postal Service, postage prepaid and properly addressed to the following:

Documents Served: PRELIMINARY ORDER DISMISSING HEARING REQUEST, LIFTING STAY IN PROCEEDINGS, AND APPROVING TRANSFER APPLICATION

JUB ENGINEERS INC
C/O GARY HADERLIE
2114 VILLAGE PARK AVE STE 100
TWIN FALLS ID 83301-4172
ghaderlie@jub.com
*Consultant for the City of Hagerman
Applicant*

- ☐ U.S. Mail, Certified, postage prepaid
- ☒ U.S. Mail, postage prepaid
- ☐ Overnight Mail
- ☐ Facsimile
- ☒ Email

TRAVIS THOMPSON
SARAH HIGER
BARKER RSHOLT & SIMPSON
PO BOX 63
TWIN FALLS ID 83303
tlt@idahowaters.com
swh@idahowaters.com
*Attorney for Island High Line Ditch Company
Protestant*

- ☐ U.S. Mail, Certified, postage prepaid
- ☒ U.S. Mail, postage prepaid
- ☐ Overnight Mail
- ☐ Facsimile
- ☒ Email

IDAHO DEPT PARKS & RECREATION
ERIK BUSH
PO BOX 83720
BOISE ID 83720-0065
erik.bush@idpr.idaho.gov
Water Right Owner

- ☐ U.S. Mail, Certified, postage prepaid
- ☒ U.S. Mail, postage prepaid
- ☐ Overnight Mail
- ☐ Facsimile
- ☒ Email

IDAHO DEPT OF WATER RESOURCES
COREY SKINNER
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858
corey.skinner@idwr.idaho.gov
Agency

- ☐ U.S. Mail, Certified, postage prepaid
- ☒ U.S. Mail, postage prepaid
- ☐ Overnight Mail
- ☐ Facsimile
- ☒ Email



Jean Hersley
Technical Records 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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTRANSFER OF WATER RIGHT
TRANSFER NO. 85491

This is to certify that: CITY OF HAGERMAN
PO BOX 158
HAGERMAN, ID 83332

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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-15538	WR/DECREED	4/1/1964	0.500 cfs	N/A	50.0	178.5	FLORENCE LIVESTOCK SPRING
36-49	WR/DECREED	4/1/1900	6.580 cfs	N/A	N/A	178.5	FLORENCE LIVESTOCK SPRING

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-15532	WR/DECREED	6/1/1969	6.800 cfs	N/A		N/A	FLORENCE LIVESTOCK SPRING
36-15533	WR/DECREED	4/1/1958	0.060 cfs	N/A		N/A	FLORENCE LIVESTOCK SPRING
36-48A	WR/DECREED	11/4/1885	1.100 cfs	N/A	104.0	178.5	BILLINGSLEY CREEK

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>
36-15538	NO	NO	YES	NO	NO	NO
36-49	YES	NO	YES	NO	YES	YES

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>
36-15538	36-15538	0.360 cfs	N/A	36.0	140.0	N/A	N/A	N/A	N/A	N/A
36-49	36-17193	1.000 cfs	145.9 af	N/A	N/A	36-49	5.160 cfs	N/A	N/A	140.0
COMBINED TOTALS		N/A	N/A	N/A	N/A		N/A	N/A	N/A	N/A

Transfer No. 85491

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 85491

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 19th day of November, 2024.



Shelley W. Keen, Hearing Officer

WATER RIGHT NO. 36-49
As Modified by Transfer No. 85491

In accordance with the approval of Transfer No. 85491, Water Right No. 36-49 is now described as follows:

Right Holder: IDAHO DEPT OF PARKS & RECREATION
PO BOX 83720
BOISE, ID 83720-0065

Priority Date: 4/1/1900

Source: FLORENCE LIVESTOCK SPRING **Tributary:** BILLINGSLEY CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
DOMESTIC	01/01	to 12/31	0.060 cfs
IRRIGATION	02/15	to 11/30	5.160 cfs
STOCKWATER	01/01	to 12/31	0.070 cfs
			5.160 cfs

LOCATION OF POINT(S) OF DIVERSION

FLORENCE LIVESTOCK SPRING SESENW Sec 12 Twp 07S Rge 13E GOODING County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11													X			X	

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11													33.0			33.0	66.0
07S	13E	12									1.0	14.5	1.0						16.5
07S	13E	13					36.0	21.5											57.5

POU Total Acres: 140.0

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11													X			X	

CONDITIONS OF APPROVAL

1. Use of this right with right Nos. 36-48A & 36-15538 is limited to the irrigation of a combined total of 140 acres in the above-described place of use in a single irrigation season.

Transfer No. 85491

WATER RIGHT NO. 36-49
As Modified by Transfer No. 85491

CONDITIONS OF APPROVAL

2. A diversion rate of no more than 0.026 cfs per acre of this right may be transferred or changed so as to change the place of use, purpose of use, or period of use thereof.
3. Use of this right with rights listed below is limited to a total combined diversion rate of 6.26 cfs. combined right Nos. 36-48A & 36-15538.
4. Diversion of this right and the diversion of the rights listed below is limited to a combined diversion rate of 5.16 cfs during the irrigation season. Combined rights Nos. 36-15532 & 36-15533.
5. The 5.16 cfs quantity for irrigation designated under this right is based on the reasonable amount that would be needed to supply a surface or gravity irrigation system. However, the actual means of irrigation involves sprinklers or another irrigation method that requires a smaller amount of water. In the event of water shortage, a delivery call for water, or other action to administer water rights, the water right holder shall be entitled to divert no more than the quantity reasonably necessary at that time. This quantity may be less than, and shall never be greater than, the 5.16 cfs quantity. A diversion system that uses more than 0.026 cfs per acre is reasonable only if such system is required in good faith for agricultural irrigation of the described place of use.
6. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
7. Approval of this transfer does not confirm the validity of this water right.

WATER RIGHT NO. 36-17193
As Modified by Transfer No. 85491

In accordance with the approval of Transfer No. 85491, Water Right No. 36-17193 is now described as follows:

Right Holder: IDAHO DEPT OF PARKS & RECREATION
PO BOX 83720
BOISE, ID 83720-0065

Priority Date: 4/1/1900

Source: FLORENCE LIVESTOCK SPRING **Tributary:** BILLINGSLEY CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
MUNICIPAL	1/01	to 12/31	1.000 cfs	145.9 af
			1.000 cfs	145.9 af

LOCATION OF POINT(S) OF DIVERSION

FLORENCE LIVESTOCK SPRING SESENW Sec 12 Twp 07S Rge 13E GOODING County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Hagerman municipal water supply system as provided for under Idaho Law.
2. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
3. The use of water under this right from 12/01 - 2/14 is subordinated to rights with priority dates before January 1, 2000.
4. During the period of use of 12/01 – 2/14, when the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the consumptive uses authorized by this right. The minimum stream flow water rights are 5,600 cfs from November 1 through March 31.
5. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 36A.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year 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. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Transfer No. 85491

WATER RIGHT NO. 36-15538
As Modified by Transfer No. 85491

In accordance with the approval of Transfer No. 85491, Water Right No. 36-15538 is now described as follows:

Right Holder: IDAHO DEPT OF PARKS & RECREATION
PO BOX 83720
BOISE, ID 83720-0065

Priority Date: 4/1/1964

Source: FLORENCE LIVESTOCK SPRING **Tributary:** BILLINGSLEY CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	2/15	to 11/30	0.360 cfs 0.360 cfs

LOCATION OF POINT(S) OF DIVERSION

FLORENCE LIVESTOCK SPRING SESENW Sec 12 Twp 07S Rge 13E GOODING County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11													33.0				66.0
07S	13E	12										1.0	14.5	1.0					16.5
07S	13E	13					36.0	21.5											57.5

Right Acre Limit: 36.0
POU Total Acres: 140.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 36 acres within the authorized place of use in a single irrigation season.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 36A.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. Rights 36-48A, 36-49, and 36-15538 when combined shall not exceed a total diversion rate of 6.26 cfs and the irrigation of 140 acres.

Transfer No. 85491

WATER RIGHT NO. 36-15538
As Modified by Transfer No. 85491

CONDITIONS OF APPROVAL

5. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
6. The irrigation purpose of use under this right is subordinated to all ground water and surface water rights with priority dates prior to December 31, 2001.
7. This right is subordinated to all ground water and surface water rights with priority dates prior to December 31, 2001.
8. The diversion rate of 0.36 cfs under this right is subordinated to all ground water and surface water rights with priority dates prior to December 31, 2001.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 36-15532**As Modified by Transfer No. 85491**

In accordance with the approval of Transfer No. 85491, Water Right No. 36-15532 is now described as follows:

Right Holder: IDAHO DEPT OF PARKS & RECREATION
PO BOX 83720
BOISE, ID 83720-0065

Priority Date: 6/1/1969

Source: FLORENCE LIVESTOCK SPRING **Tributary:** BILLINGSLEY CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
FISH PROPAGATION	1/01	to 12/31	6.800 cfs 6.800 cfs

LOCATION OF POINT(S) OF DIVERSION

FLORENCE LIVESTOCK SPRING SESENW Sec 12 Twp 07S Rge 13E GOODING County

PLACE OF USE: FISH PROPAGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11													X			X	

CONDITIONS OF APPROVAL

1. The fish propagation use under this right in excess of 2.90 cfs is subordinated to all ground water and surface water rights with priority dates before December 31, 2001.
2. Diversion of this right and the diversion of the rights listed below is limited to a total combined diversion rate of 5.16 cfs. during the irrigation season. Combined right Nos. 36-49 & 36-15533.
3. The portion of this right in excess of 2.90 cfs is subordinated to all ground water and surface water rights with priority dates before December 31, 2001.
4. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Transfer No. 85491

WATER RIGHT NO. 36-15533
As Modified by Transfer No. 85491

In accordance with the approval of Transfer No. 85491, Water Right No. 36-15533 is now described as follows:

Right Holder: IDAHO DEPT OF PARKS & RECREATION
PO BOX 83720
BOISE, ID 83720-0065

Priority Date: 4/1/1958

Source: FLORENCE LIVESTOCK SPRING **Tributary:** BILLINGSLEY CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
COMMERCIAL	1/01	to 12/31	0.060 cfs 0.060 cfs

LOCATION OF POINT(S) OF DIVERSION

FLORENCE LIVESTOCK SPRING SESENW Sec 12 Twp 07S Rge 13E GOODING County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11																X	

CONDITIONS OF APPROVAL

1. Diversion of this right with the diversion of the rights listed below is limited to a total combined diversion rate of 5.16 cfs during the irrigation season. Combined right nos. 36-49 & 36-15532.
2. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 36-48A
As Modified by Transfer No. 85491

In accordance with the approval of Transfer No. 85491, Water Right No. 36-48A is now described as follows:

Right Holder: IDAHO DEPT OF PARKS & RECREATION
PO BOX 83720
BOISE, ID 83720-0065

Priority Date: 11/4/1885

Source: BILLINGSLEY CREEK **Tributary:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	2/15	to 11/30	1.100 cfs 1.100 cfs

LOCATION OF POINT(S) OF DIVERSION

BILLINGSLEY CREEK NWNWNE Sec 13 Twp 07S Rge 13E GOODING County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11													33.0			33.0	66.0
07S	13E	12										1.0	14.5	1.0					16.5
07S	13E	13					36.0	21.5											57.5

Right Acre Limit: 104.0

POU Total Acres: 140.0

CONDITIONS OF APPROVAL

1. A diversion rate of no more than 0.026 cfs per acre of this right may be transferred or changed so as to change the place of use, purpose of use, or period of use thereof.
2. The 1.1 cfs quantity for irrigation designated under this right is based on the reasonable amount that would be needed to supply a surface or gravity irrigation system. However, the actual means of irrigation involves sprinklers or another irrigation method that requires a smaller amount of water. In the event of water shortage, a delivery call for water, or other action to administer water rights, the water right holder shall be entitled to divert no more than the quantity reasonably necessary at that time. This quantity may be less than, and shall never be greater than, the 1.1 cfs quantity. A diversion system that uses more than 0.026 cfs per acre is reasonable only if such system is required in good faith for agricultural irrigation of the described place of use.
3. Use of this right with rights listed below is limited to a total combined diversion rate of 6.26 cfs. Combined right nos. 36-49 & 36-15538.
4. Use of this right with right nos. 36-49 & 36-15538 is limited to the irrigation of a combined total of 140 acres in the above-described place of use in a single irrigation season.

Transfer No. 85491

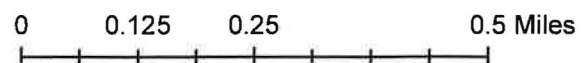
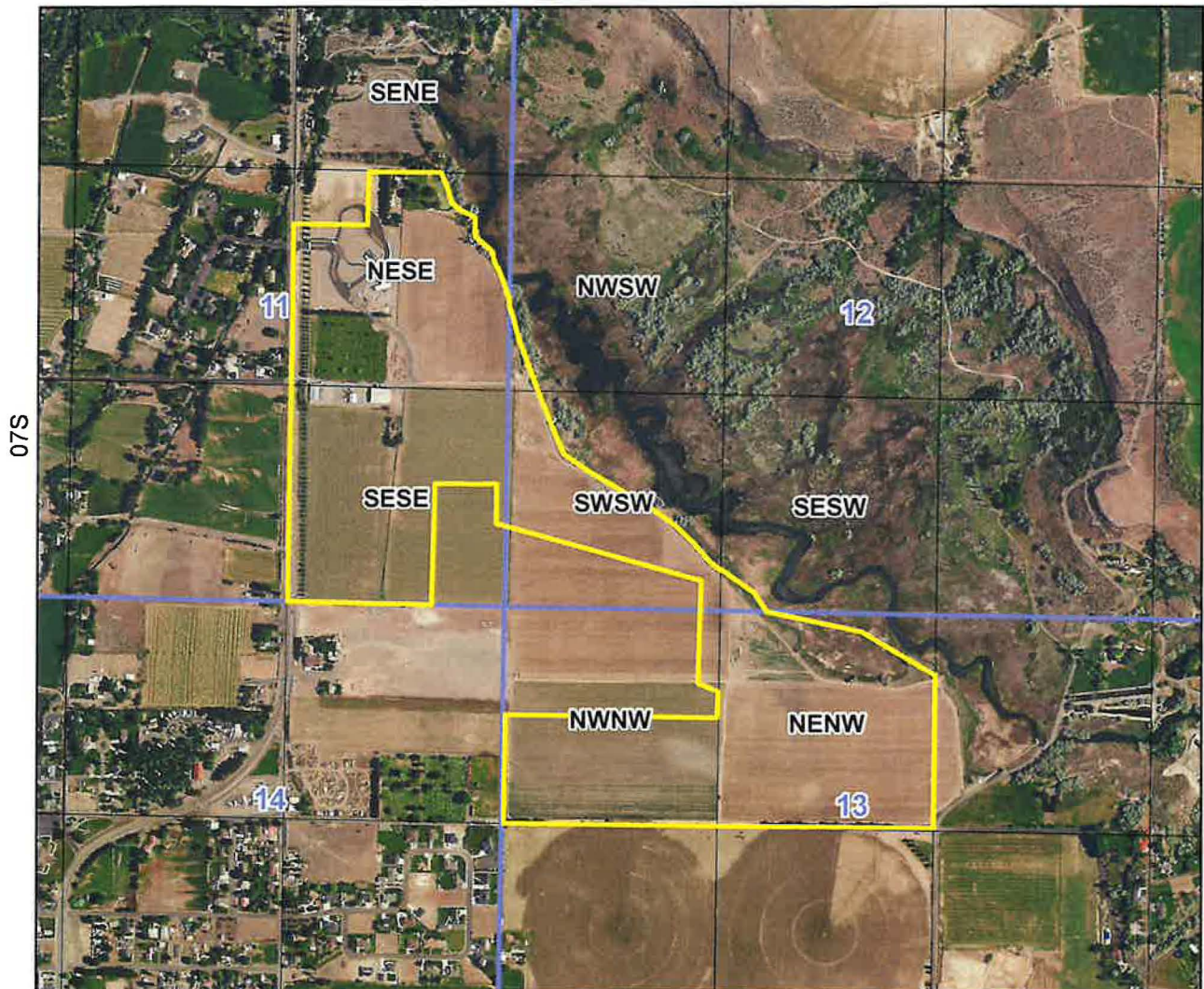
WATER RIGHT NO. 36-48A
As Modified by Transfer No. 85491

CONDITIONS OF APPROVAL

5. Right includes accomplished change in point of diversion pursuant to section 42-1425, Idaho Code.
6. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**Revised Pursuant to
November 19, 2024
Preliminary Order**

13E



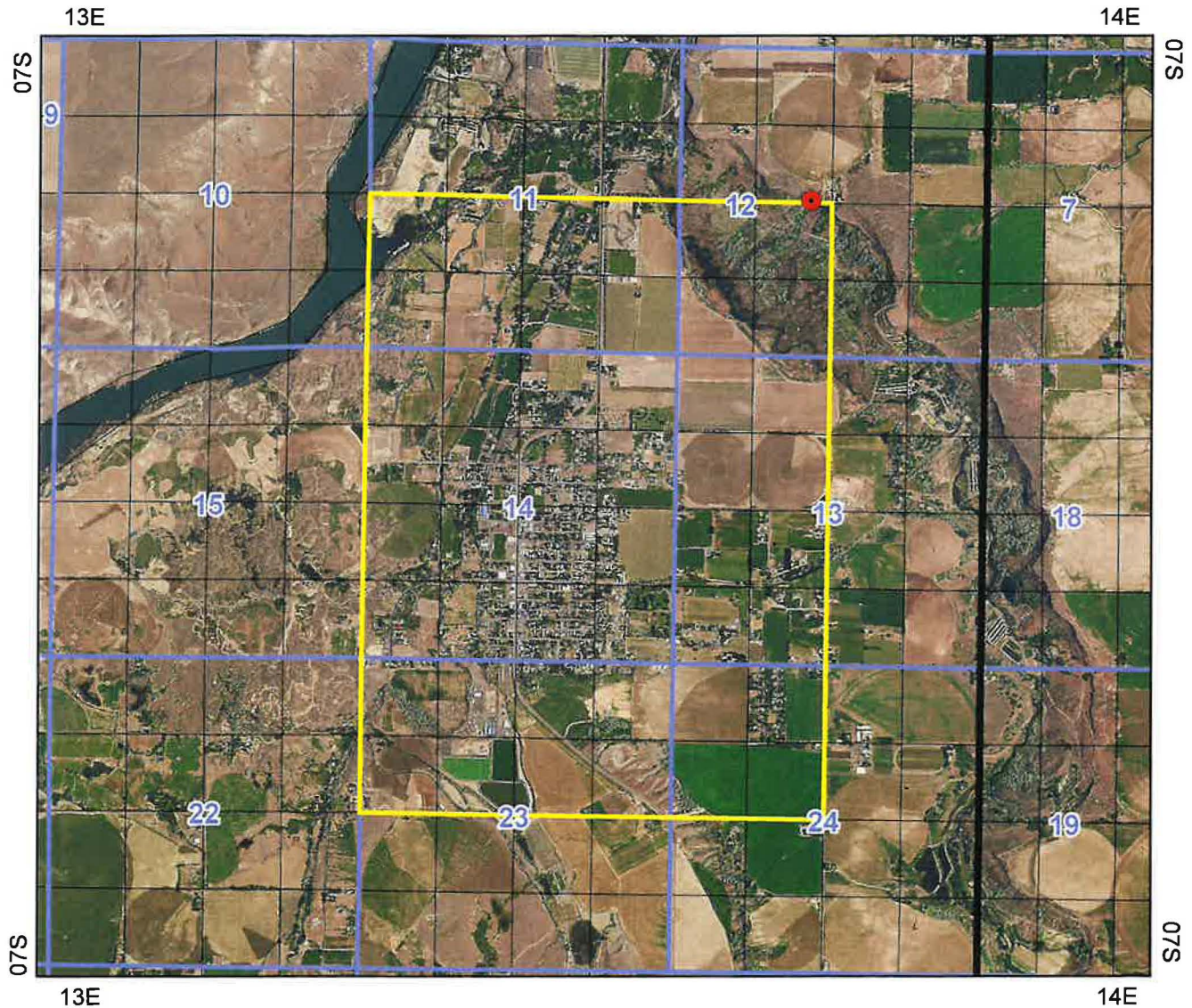
-  Place Of Use Boundary
 Townships
 PLS Sections
 Quarter Quarters



Attachment to Transfer # 85491

36-17193

This map depicts the MUNICIPAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Water Service Area Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.375 0.75 1.5 Miles

