STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87667

This is to certify that: CITY OF DAYTON
PO BOX 12
DAYTON, ID 83232-0012

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

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
13-7106	WR/LICENSE	4/23/1975	0.390 cfs	N/A	N/A	N/A	GROUND WATER
13-7512	WR/LICENSE	8/2/1993	3.000 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
13-7106	NO	YES	NO	NO	NO	NO
13-7512	NO	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
13-7106	13-7106	0.390 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
13-7512	13-7512	3.000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**3.390 cfs**	**N/A**	**N/A**	**N/A**		**N/A**	**N/A**	**N/A**	**N/A**

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 20th day of June, 2023.

Regional Manager

Transfer No. 87667

SUPPORT DATA
IN FILE # 13-7106

SCANNED
JUN 21 2023

WATER RIGHT NO. 13-7106

As Modified by Transfer No. 87667

In accordance with the approval of Transfer No. 87667, Water Right No. 13-7106 is now described as follows:

Right Holder: CITY OF DAYTON
PO BOX 12
DAYTON, ID 83232-0012

Priority Date: 4/23/1975

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate
MUNICIPAL	01/01	to	12/31	0.390 cfs
				0.390 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 15 Twp 15S Rge 38E	FRANKLIN County
GROUND WATER	NESE	Sec 15 Twp 15S Rge 38E	FRANKLIN County
GROUND WATER	SESE	Sec 15 Twp 15S Rge 38E	FRANKLIN County
GROUND WATER	SESE	Sec 15 Twp 15S Rge 38E	FRANKLIN County

CONDITIONS OF APPROVAL

1. Diversion and use of water under this right from the new wells added to water rights 13-7106 and 13-7512 through Transfers 84693 and 87667 shall be junior and subordinate to water right 13-7148 in the event of a delivery call or claim of well interference.
2. Place of use is within the service area of the City of Dayton municipal water supply system as provided for under Idaho Law.
3. 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.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

SCANNED
JUN 21 2023

WATER RIGHT NO. 13-7512

As Modified by Transfer No. 87667

In accordance with the approval of Transfer No. 87667, Water Right No. 13-7512 is now described as follows:

Right Holder: CITY OF DAYTON
PO BOX 12
DAYTON, ID 83232-0012

Priority Date: 8/2/1993

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate
MUNICIPAL	01/01	to	12/31	3.000 cfs
				3.000 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 15 Twp 15S Rge 38E	FRANKLIN County
GROUND WATER	NESE	Sec 15 Twp 15S Rge 38E	FRANKLIN County
GROUND WATER	SESE	Sec 15 Twp 15S Rge 38E	FRANKLIN County
GROUND WATER	SESE	Sec 15 Twp 15S Rge 38E	FRANKLIN County

CONDITIONS OF APPROVAL

1. Diversion and use of water under this right from the new wells added to water rights 13-7106 and 13-7512 through Transfers 84693 and 87667 shall be junior and subordinate to water right 13-7148 in the event of a delivery call or claim of well interference.
2. Irrigation of large projects such as parks, golf courses, or sports activities fields are not authorized under this right.
3. The daily diversion volume for non-domestic uses under this municipal right shall not exceed 2,500 gallons per use and the daily diversion volume for domestic uses under this right shall not exceed 13,000 gallons per dwelling in accordance with Section 42-111, Idaho Code.
4. Place of use is within the service area of the City of Dayton municipal water supply system as provided for under Idaho Law.
5. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 87667

SCANNED
JUN 21 2023

WATER RIGHT NO. 13-7512

As Modified by Transfer No. 87667

CONDITIONS OF APPROVAL

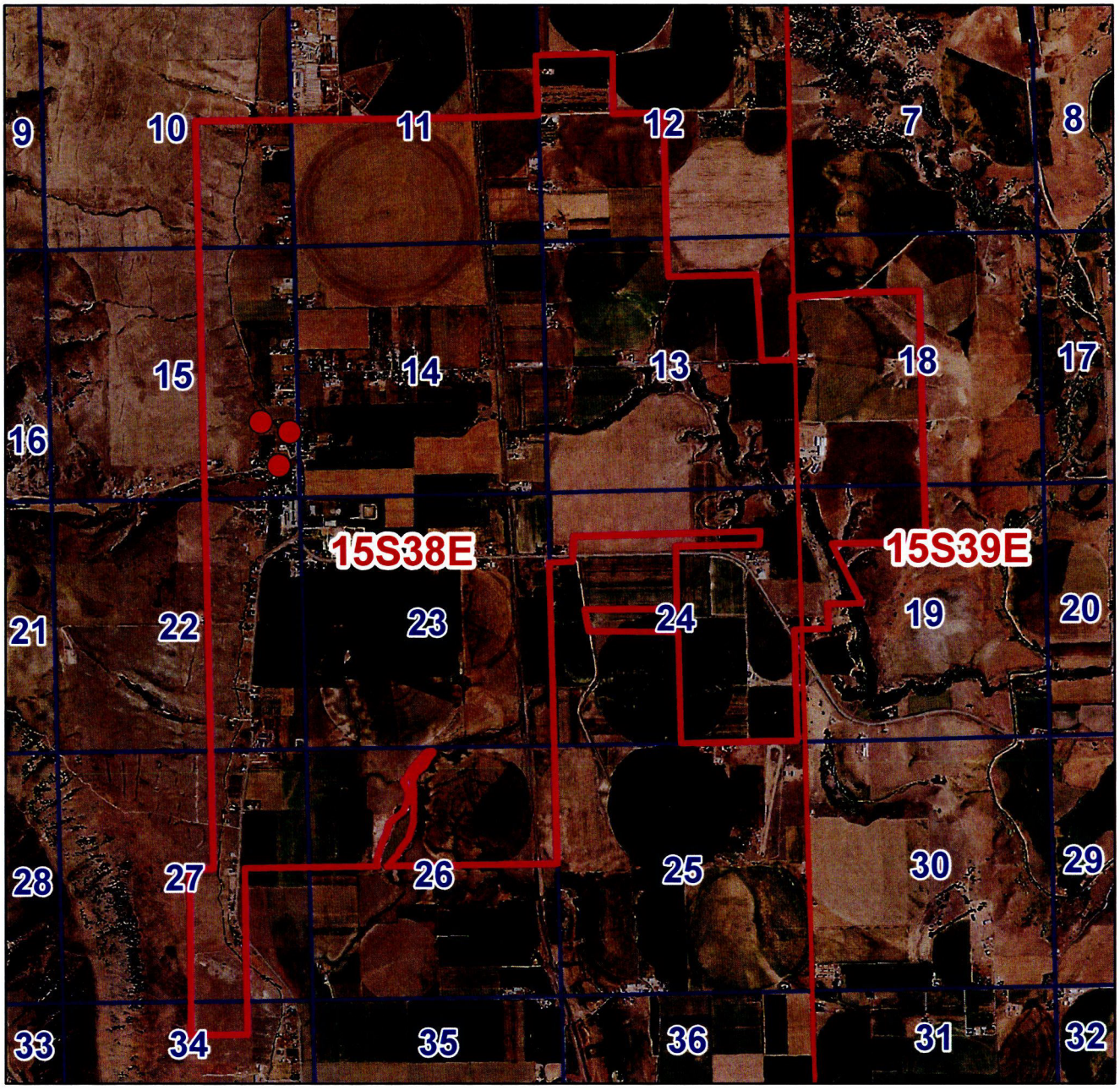
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

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.

SCANNED
JUN 21 2023

Attachment to Transfer Approval 87667

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



Legend

- WR POD
- WR POU
- Township/Range
- Sections

0 0.5 1 2 Miles

N
W E
S

Date: 6/20/2023

SCANNED
JUN 21 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAR 22 2023
Department of Water Resource
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the *Application for Transfer Instructions* for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

☑ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split

☐ Transfer is for changes pursuant to Idaho Code § 42-221.O.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** City of Dayton Phone 208-747-3589
2. **MAILING ADDRESS** P.O. Box 12 999 North WestSide Highway City Dayton
   State ID Zip 83232 Email daytonclerk@gmail.com & abeutler@kelbli.com

☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.

☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.

☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 13-7512 & 13-7106

☑ Attach a copy of the water right(s) as recorded, available at *idwr.idaho.gov, Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 3.39 (diversion rate) cubic feet per second and/or _____ (storage volume) acre-feet per annum.

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources.*

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
NO			NE	SE	15	15S	38E	Franklin	Groundwater	Dayton Well 1 "1975"
NO			SE	SE	15	15S	38E	Franklin	Groundwater	Dayton Well 2 "1993"
NO			NE	SE	15	15S	38E	Franklin	Groundwater	Dayton Well 3 "2022"
Yes			SE	SE	15	15S	38E	Franklin	Groundwater	Dayton Well 4 "2023"
										SCANNED

87667

Transfer No. 87667 MAR 22 2023

6. **GENERAL INFORMATION**

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

All four sites will be municipal groundwater wells. Well #1 and #2 are existing Well #3 was drilled in 202 and Well #4 is proposed Controlling works will be located within a lockable well house and will have an inline flow-meter

b. Who owns the property at the point(s) of diversion? #1 City of Dayton, #2 City of Dayton #3 City of Dayton, #4 City of Dayton

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

All of the sites are currently owned by the City of Dayton

c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes	No	
☐	☑	undergone a period of five or more consecutive years of non-use,
☐	☑	currently used in a mitigation plan limiting the use of water under the right(s), or
☐	☑	currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☑ No

☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☑ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.*

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Signature of applicant or authorized agent	Print name and title if applicable	Date
Dee Beu	Dee Beckstead, Dayton City Councilmember	3/16/2023
Melvin E Beutler	Melvin E. Beutler, Dayton City Mayor	3/16/2023

9. **FEE** – ☑ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of $50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at *www.idwr.idaho.gov, Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid $740.00 Date 3/22/23 Receipted by CH Receipt # E049002

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

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SCANNED MAR 29 2023

IDAHO DEPARTMENT OF WATER RESOURCES 3/27/2023

Proof Report

Water Right 13-7106

Owner Type	**Name and Address**
Current Owner	CITY OF DAYTON PO BOX 12 DAYTON, ID 83232-0012 (208) 747-3589

Priority Date: 4/23/1975
Basis: License
Status: Active

Source	**Tributary**
GROUND WATER	

Beneficial Use	**From**	**To**	**Diversion Rate**	**Volume**
MUNICIPAL	1/1	12/31	0.390 CFS	
	Total Diversion		0.390 CFS	

Source and Point(s) of Diversion:

GROUND WATER	NESE	Sec. 15, Twp 15S, Rge 38E, FRANKLIN County
GROUND WATER	NESE	Sec. 15, Twp 15S, Rge 38E, FRANKLIN County
GROUND WATER	SESE	Sec. 15, Twp 15S, Rge 38E, FRANKLIN County
GROUND WATER	NENE	Sec. 22, Twp 15S, Rge 38E, FRANKLIN County
GROUND WATER	NESE	Sec. 15, Twp 15S, Rge 38E, FRANKLIN County

Place Of Use:
MUNICIPAL within FRANKLIN County
Large POU not displayed

Conditions of Approval:

1.		The right holder is authorized to develop two new well sites under Transfer 84693. Within one year of the approval of Transfer 84693, the right holder shall notify the Department of the location of the one or two well sites developed and ask the Department to remove any unused points of diversion from this water right.
2.	124	Place of use is within the service area of the City of Dayton municipal water supply system as provided for under Idaho Law.
3.	180	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.
4.	01M	After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5.	004	This right does not grant any right-of-way or easement across the land of

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SCANNED
MAR 29 2023

		another.
6.	T07	The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Dates and Other Information:
Licensed Date: 4/19/1982
Water District Number: EXC
Mitigation Plan: False

Combined Use Limits:
N/A

SubCase:
N/A

Water Supply Bank:

N/A

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13-7106

SCANNED
MAR 29 2023

Water Right 13-7512

Owner Type	Name and Address
Current Owner	CITY OF DAYTON PO BOX 12 DAYTON, ID 83232-0012 (208) 747-3589

Priority Date: 8/2/1993
Basis: License
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
MUNICIPAL	1 /1	12/31	3.000 CFS	
	Total Diversion		3.000 CFS	

Source and Point(s) of Diversion:

GROUND WATER	NESE	Sec. 15, Twp 15S, Rge 38E, FRANKLIN County
GROUND WATER	NESE	Sec. 15, Twp 15S, Rge 38E, FRANKLIN County
GROUND WATER	NESE	Sec. 15, Twp 15S, Rge 38E, FRANKLIN County
GROUND WATER	SESE	Sec. 15, Twp 15S, Rge 38E, FRANKLIN County
GROUND WATER	NENE	Sec. 22, Twp 15S, Rge 38E, FRANKLIN County

Place Of Use:
MUNICIPAL within FRANKLIN County
Large POU not displayed

Conditions of Approval:

1.		The right holder is authorized to develop two new well sites under Transfer 84693. Within one year of the approval of Transfer 84693, the right holder shall notify the Department of the location of the one or two well sites developed and ask the Department to remove any unused points of diversion from this water right.
2.	132	Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
3.	022	The daily diversion volume for non-domestic uses under this municipal right shall not exceed 2,500 gallons per use and the daily diversion volume for domestic uses under this right shall not exceed 13,000 gallons per dwelling in accordance with Section 42-111, Idaho Code.
4.	124	Place of use is within the service area of the City of Dayton municipal water supply system as provided for under Idaho Law.
5.	180	A map depicting the place of use boundary for this water right at the time of

87667
SCANNED
MAR 29 2023

		this approval is attached to this document for illustrative purposes.
6.	01M	After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7.	004	The issuance of this right does not grant any right-of-way or easement across the land of another.
8.	T07	The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Dates and Other Information:
Licensed Date: 9/20/2013
Water District Number: EXC
Mitigation Plan: False

Combined Use Limits:
N/A

SubCase:
N/A

Water Supply Bank:

N/A

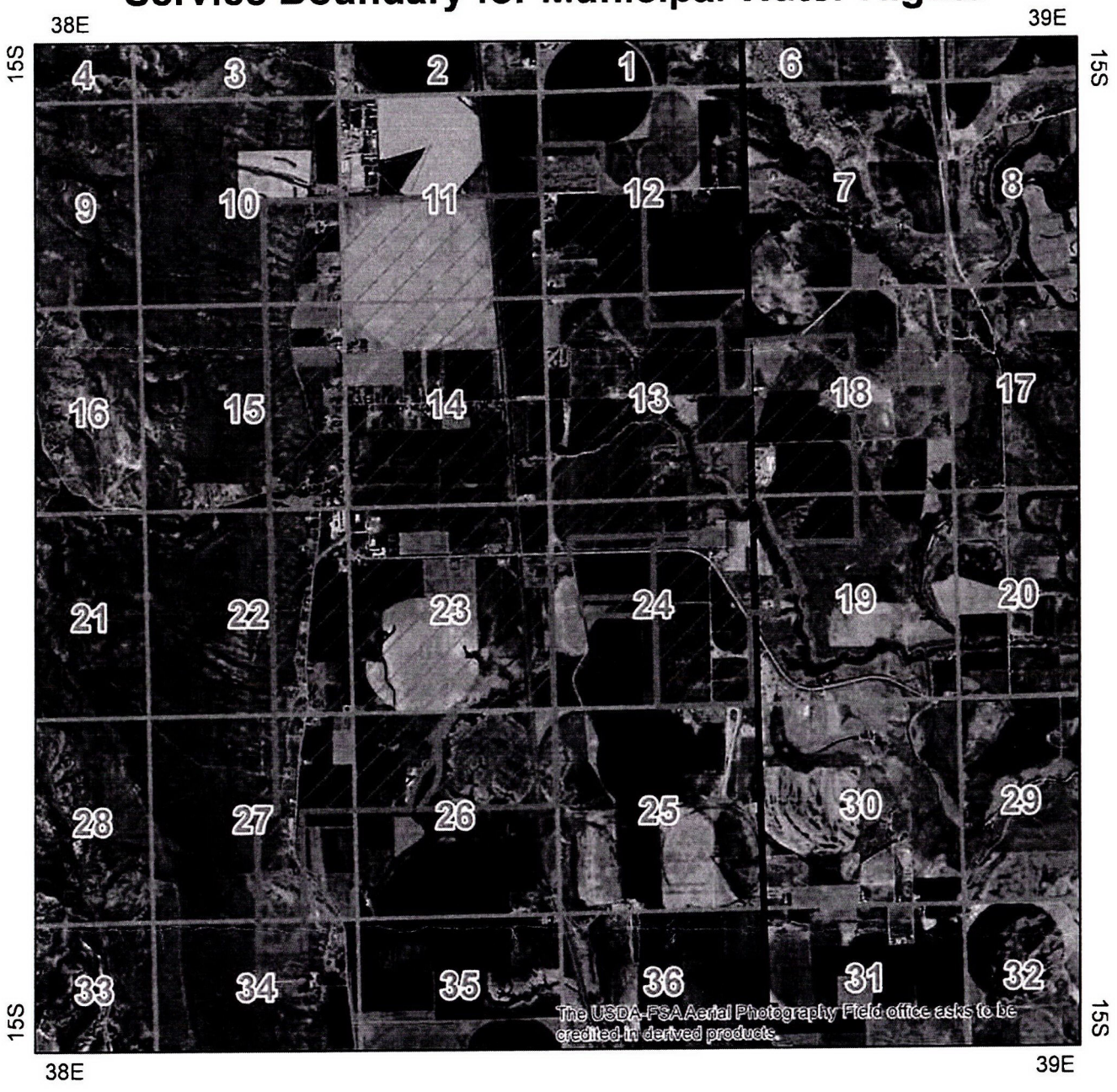
13-7512

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MAR 29 2023

State of Idaho
Department of Water Resources

City of Dayton
Service Boundary for Municipal Water Rights



Water Right POU

Townships

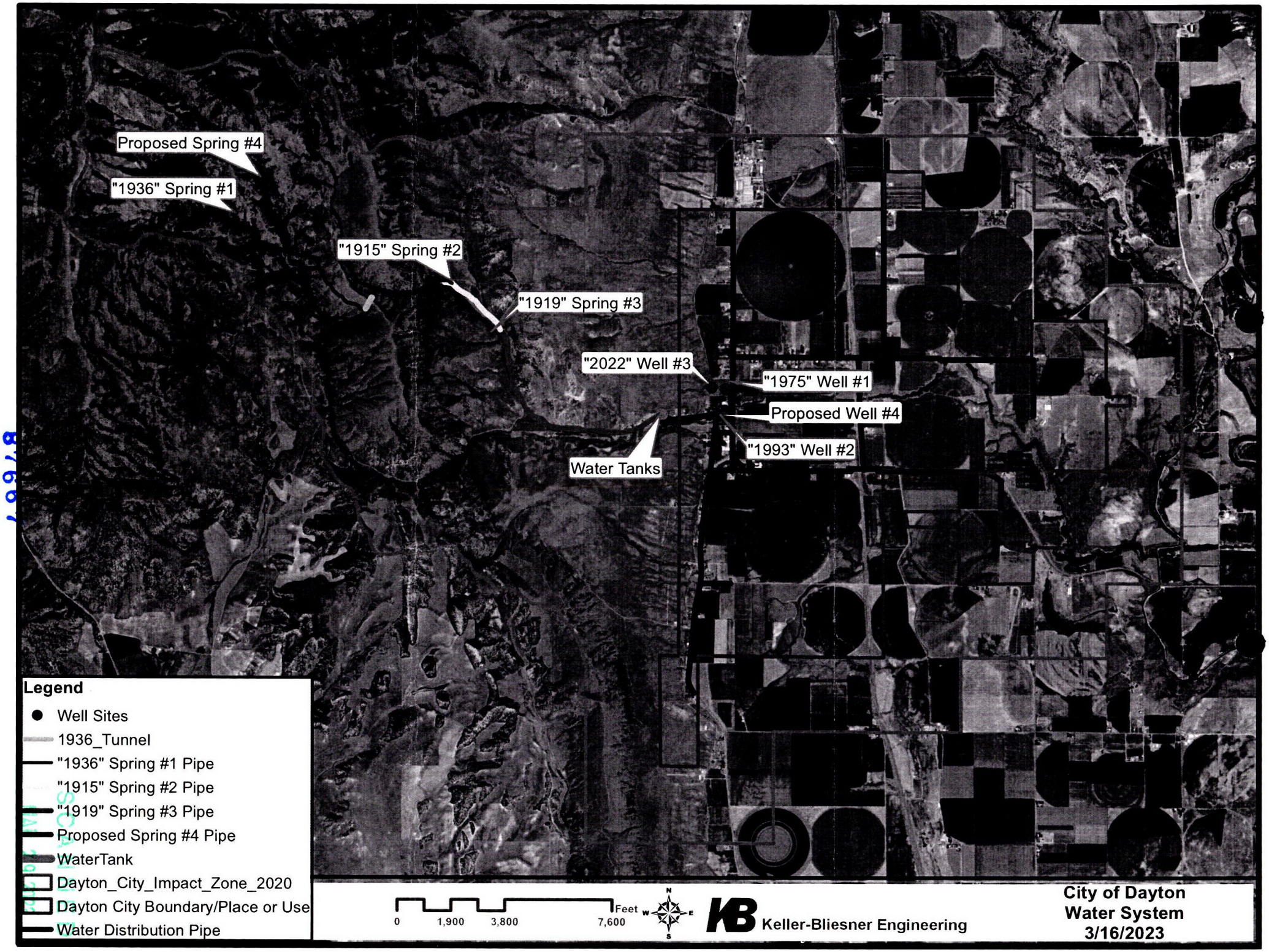
PLS Sections

0 0.5 1 2 Miles

N

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MAR 29 2023


Proposed Spring #4
"1936" Spring #1
"1915" Spring #2
"1919" Spring #3
"2022" Well #3
"1975" Well #1
Proposed Well #4
"1993" Well #2
Water Tanks
Legend
Well Sites
1936_Tunnel
"1936" Spring #1 Pipe
"1915" Spring #2 Pipe
"1919" Spring #3 Pipe
Proposed Spring #4 Pipe
WaterTank
Dayton_City_Impact_Zone_2020
Dayton City Boundary/Place or Use
Water Distribution Pipe
0
1,900
3,800
7,600
Feet
N
W
E
S
Keller-Bliesner Engineering
City of Dayton
Water System
3/16/2023

One concern raised by the city council and a local resident was if the addition of a new well at any of the five potential test sites would affect the water table in the other nearby wells. To evaluate this question, a drawdown test was performed on Wednesday December 18th, 2019. The test consisted of monitoring water level depths at the "1975" Well, "1993" Well and the "West Side School" Well, while the two City wells were consecutively operated for one hour each (Figure 5.2). The results showed the static water table was not noticeably affected. The water level did not drop in either of the wells while the other well was operating.

Well	Ground Surface Elev. (ft)	Static Water Level Depth (ft)	Static Water Level Elevation (ft)	Test (hrs)	Draw-down (ft)	Sensor Depth (ft)	Sensor Elevation (ft)	Lidar Well Surface Elevation (m)	Lidar Well Surface Elevation (ft)
"1975" Well	4819.0	49.5	4769.5	1	19.2	99.2	4670.3	1468.83	4819.00
"1993" Well	4827.6	54	4773.6	1	59.5	118.8	4654.8	1471.44	4827.56
West Side Well	4806.9	33.25	4773.7	n/a	0.0	57.8	4715.9	1465.155	4806.94

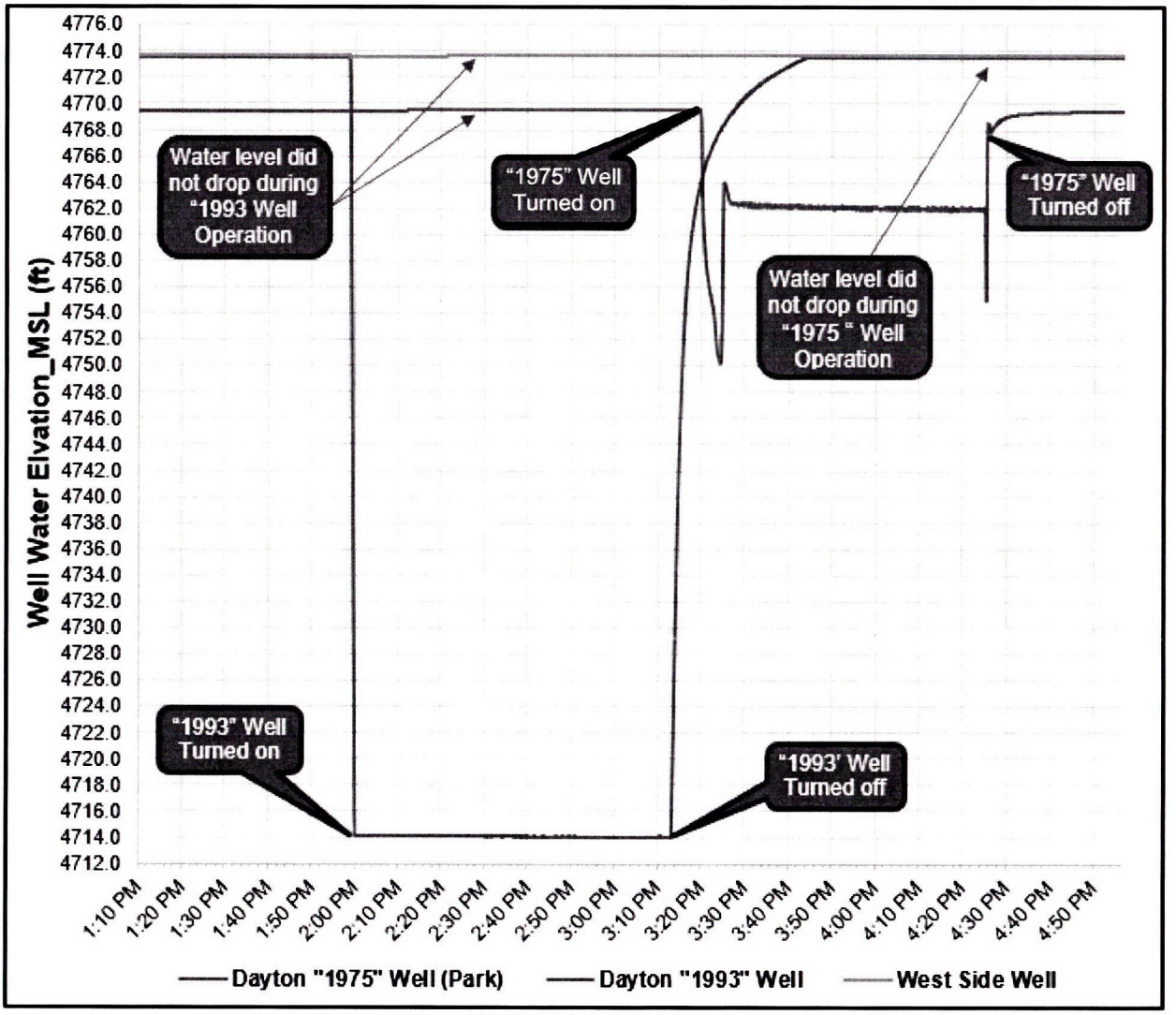


Figure 5.2 Dayton Dynamic Well Drawdown Test Results comparing "1993 Well", "1975 Well, & West Side Well water levels.– 12/18/2020

SCANNED
MAR 29 2023

87667

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WITHDRAWAL OF PROTEST

Application for ☑ **Transfer** ☐ **Permit** ☐ **Amendment of Permit** **No.** 87667

In the Name of City of Dayton
Applicant

Name of Protestant: Clayton Family Legacy, LLC, Paul N. Clayton Managing Member

Represented by: Karen or Jim Naylor

I hereby withdraw my protest to the above referenced matter. All of my issues of protest have been addressed and/or resolved.

☐ My withdrawal is not conditional.

Or

☑ My withdrawal is conditioned on the following:

Diversion and use of water under this right from the new well added to water rights 13-7106 and 13-7512 through Transfer No. 87667 shall be junior and subordinate to water right 13-7148 in the event of a delivery call or claim of well interference

Signature of Protestant or Representative	Title	Date
Paul N. Clayton	Manager, Clayton Family Legacy, LLC	June 5, 2023

03-01-2018

SCANNED
JUN 21 2023

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER 87667 IN THE NAME OF CITY OF DAYTON	)	**NOTICE OF INFORMAL SETTLEMENT CONFERENCE**

On March 22, 2023, City of Dayton filed Applications for Transfer No. 87667 with the Idaho Department of Water Resources ("Department"). A protest was filed by Clayton Family Legacy LLC, Paul N. Clayton Managing Member.

The Department has scheduled this case for an informal settlement conference on **June 5, 2023** beginning at **9:00 am**. The applicant and protestant(s) must attend.

Please use the following numbers to participate via Webex. Participation options are detailed on a separate document included with this notice.

Meeting number (access code): 2632 989 6387
Meeting password: IDWR2023

Agenda items for the informal settlement conference will include:

1. Review of the application and protest(s),
2. Additional informational needs,
3. Settlement options,
4. Need for additional informal proceedings or alternative dispute resolution options, and
5. Commencement of formal proceedings.

The Department encourages the applicant and protestant(s) to discuss and resolve the protest(s) before the informal settlement conference. If private discussions are not possible or do not resolve the protest(s), the informal settlement conference provides another opportunity for the applicant and protestant(s) to meet before commencing a formal hearing. Parties often settle their differences at the informal settlement conference.

If informal proceedings are unlikely to resolve this contested case, the Department will initiate formal proceedings by issuing a notice of prehearing conference and identifying a presiding officer. It is important for all parties to make the most of the opportunity to resolve the dispute informally.

SCANNED
MAY 15 2023

The informal settlement conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in, or understand the pre-hearing conference, please notify the Department at least ten (10) days prior to the conference. Inquiries about scheduling, hearing facilities, etc., should be directed to Christina Henman at 208-525-7161 or christina.henman@idwr.idaho.gov.

Dated this 15th day of May, 2023

James Cefalo
Regional Manager

SCANNED
MAY 15 2023

CERTIFICATE OF SERVICE

I certify that on the 15 day of May 2023, true and correct copies of the documents 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:

Document Served: Notice of Informal Settlement Conference
Informal Settlement Conference Procedure- Application for Transfer

CITY OF DAYTON
999 NORTH WESTSIDE HWY
PO BOX 12
DAYTON, ID 83232

CLAYTON FAMILY LEGACY
PAUL N CLAYTON MANAGING MEMBER
2 OLD OAK LANE
SANDY, UT 84092

JIM OR KAREN NAYLOR
58 S 3200 W
WESTON, ID 83286

Christina Henman
Administrative Assistant

SCANNED
MAY 15 2023

INFORMAL SETTLEMENT CONFERENCE PROCEDURE

APPLICATION FOR TRANSFER

ISSUES

Applications for transfer are filed for the purpose of changing a point of diversion, purpose of use, period of use or nature of use of all or part of a licensed, decreed or statutory water right. Section 42-222, Idaho Code, identifies the following potential issues that the Idaho Department of Water Resources (Department) considers in connection with an application for transfer:

1. Will the proposed transfer reduce the quantity of water under existing water rights?
2. Will the proposed transfer constitute an enlargement in use of the original water right?
3. Will the proposed transfer be contrary to the conservation of water resources within the State of Idaho?
4. Will the proposed transfer conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use and its potential effects on the public water source?
5. Will the proposed transfer adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?
6. Is the proposed transfer consistent with the requirements for municipal providers, if applicable?
7. Will the proposed transfer change the nature of use from an agricultural use, and would such a change significantly affect the agricultural base of the local area?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 5, 6, and 7 above and must provide evidence for the Department to evaluate these criteria.

The initial burden of proof on issue 4 lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for all of these issues.

SCANNED
MAY 15 2023

PROCEDURE

The Department generally conducts an informal settlement conference with the parties to determine the issues and to try to settle a protested matter before the formal hearing process starts. The formal hearing process commences with a prehearing conference, which may require parties to be represented by an attorney.

INFORMAL SETTLEMENT CONFERENCE

The purpose of an informal settlement conference is to provide the opportunity for the parties and the Department to familiarize themselves with a protested matter and to attempt to resolve the matter. At the conference, the Department and the parties will discuss the application and protests, explore settlement options, discuss additional informational needs, evaluate the need for additional informal proceedings or alternative dispute resolution options such as mediation, and discuss the commencement of formal proceedings. When attending the conference, please bring a calendar with your schedule for the next two–six month period from the date of the informal settlement conference for the purpose of scheduling follow-up conferences, if needed.

HEARING

If the parties do not resolve the matter at the informal settlement conference, a formal hearing process may be commenced according to Sections 42-1701A(1) and (2), Idaho Code and the Department's Rules of Procedure. Copies of Idaho Code and the Department's rules are available upon request or by accessing the Department's website at: www.idwr.idaho.gov. The Department records formal hearings, and copies of a hearing recording are available upon request. There may be a charge for reproducing the recording.

If necessary, the hearing will likely be conducted by a hearing officer appointed by the Director rather than by the Director himself. The hearing officer will be designated in a notice of prehearing conference that commences the formal hearing process.

AMERICANS WITH DISABILITIES ACT

Any scheduled conferences or hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please notify the Department no later than ten (10) days prior to the conference or hearing.

SCANNED
MAY 15 2023

TO USE WEBEX

Meeting number (access code): 2632 989 6387
Meeting password: IDWR2023

Using Your Computer:

- Calendar invitations were sent to email addresses provided. Simply click the link included to join the meeting, and follow on-screen instructions.

Using the Mobile app:

- Download WebEx Meetings to your mobile device. (App is free.)
- Click Join Meeting.
- Enter Meeting Number, name, and email address.
- Click 'join'.
    - If you intend to share documents, maps, images, etc. please ensure that you have granted the WebEx app the appropriate permissions to access those documents before the meeting.

Using Your Telephone: (No video or internet required)

- Call 1-415-655-0001
- Follow Prompts

More options are included in the emailed link. If you have any questions, need a copy of the invitation sent to another email address, or otherwise need the link, feel free to contact Christina Henman at (208) 525-7161 or christina.henman@idwr.idaho.gov.

SCANNED
MAY 15 2023

Rev. 04/2022

RECEIVED

APR 13 2023

Department of Water Resources
Eastern Region

Filing Fee: $25.00

STATE OF IDAHO
DEPARTMENT OF WATER RESROUCRES

NOTICE OF PROTEST

This form may be used to file a protest under Sections 42-203A, 42-203C, 42-211, 42-222 or 42-240, Idaho Code. The Department will also accept a timely protest completed in a different format if it contains the same information requested on this form. Each protestant must provide a separate $25 filing fee for each application protested. The Department's Rules of Procedure (IDAPA 37.01.01) require the protestant to **send a copy of the protest to the applicant**.

1. Matter protested. Application for ☐ Permit ☐ Amendment of Permit ☑ Transfer ☐ Exchange
   No. 87667 in the name of City of Dayton
2. Protestant's Name: Clayton Family Legacy LLC, Paul N. Clayton Managing Member
   Address: 2 Old Oak Lane, Sandy, Utah 84092
   Telephone: 801-641-1864 Email: pnsleep@gmail.com
3. Protestant's Representative: Jim or Karen Naylor
   Address: 58 S 3200 W. Weston, ID 83286
   Telephone: 208-852-6150, 208-852-6183 Email: jknaylor@plmw.com
4. Basis of protest. Clearly state your objections to approval of the application and identify the applicable review criteria. See *Instructions for Filing a Notice of Protest* for the relevant review criteria.
   City is proposing to drill a well just across the street from our well, and in direct line upslope on the underground aquifer. We have deep concerns about the proposed well's effects on our water, both amount available and quality. We depend on our water for farming this land. We protested a similar proposal 2 years ago, and received the attached stipulation.

   (Additional pages may be attached to describe the basis of your protest.)

   Identify any review criteria that are not a basis for your protest:

5. ☑ Check here if Protestant and Representative will accept service of documents by email at the email address(es) listed under Item #2 and #3 above.

I acknowledge that if I, or my designated representative, fail to appear at any regularly scheduled conference or hearing in the matter, of which I have been properly notified, the Department may issue a notice of proposed default against me in this matter for failure to appear. **I also verify that I have served a copy of this protest upon the applicant.**

Paul N. Clayton
Protestant's or Representative's Signature

PAUL N. CLAYTON, MANAGING MEMBER
Printed Name and Title (if applicable)

4/10/2023
Date

FOR DEPARTMENT USE ONLY

$25.00 fee receipted by CH

Receipt # E049075

Date 4/13/23

SCANNED

APR 27 2023

City of Dayton
Dayton, Idaho 83232

4/13/2021

Dear Clayton Family Legacy LLC,
Attn: Paul N. Clayton, Managing Member
Attn: Karen and Jim Naylor, Protestant's Representative

On March 22, 2021, the Idaho Department of Water Resource sent us a copy of your notice of protest to our water transfer application (number 84693). In the protest is included the basis of your protest:

> "The proposed well appears to be on our property. It is also located very close to our existing well. We have deep concerns about the proposed well's effects on our water, both amount available, and quality. We depend on our water for farming this land."

In an effort to better understand the basis of the protest and your specific concerns, we had a phone conversation with Jim Naylor on March 22, 2021, another phone call with Paul Clayton on April 2nd, 2021, and an in-person discussion with Jim, Karen, and Joe Naylor on April 7th, 2021. The attached map was provided and reviewed during these discussions, which indicates that the proposed well sites are not on the property of concern.

The second concern, that of the well's proximity and potential impact to your existing well was discussed at length. Understanding well interference and groundwater injury was one of the motivations for the December 2019 well interference study included with our transfer application. The study concluded that operating the existing city wells has no detectable impact on the static water table in other nearby wells. The Clayton well was not included in the study due to lack of a well access hole, but the results are still pertinent due to the uniformity of the static water table between the West Side well and the two existing city wells.

That being said, we recognize the Clayton well right of 1.89 cfs (WR#13-7148) holds a groundwater priority date of 2/24/1977. This date renders your water right in the Clayton well senior to that of the City of Dayton 3.0 cfs right (WR#13-7512) with a priority date of 8/2/1993.

To address your concern, we agree to allow the Idaho Department of Water Resource to include the following language in the approval of our transfer application.

"Diversion and use of water under this right from the new wells added to water rights 13-7106 and 13-7512 through Transfer 84693 shall be junior and subordinate to water right 13-7148 in the event of a delivery call or claim of well interference."

In the event of a claim of well interference we agree to assist in conducting a well interference test similar to the one included with our transfer application, providing the Clayton Family Legacy provides a well access hole 1" minimum diameter at the Clayton Well, and if possible, the original well log, or at minimum records of the well depth, perforation depths, and current pump depth.

We ask that you sign and submit the attached withdrawal of protest based on this condition.

Sincerely,

_____

Melvin E. Beutler, Dayton City Mayor

SCANNED
APR 27 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WITHDRAWAL OF PROTEST

Application for ☑ **Transfer** ☐ **Permit** ☐ **Amendment of Permit** **No.** 84693

In the Name of City of Dayton
Applicant

Name of Protestant: Clayton Family Legacy LLC, Paul N. Clayton Managing Member

Represented by: Karen or Jim Naylor

I hereby withdraw my protest to the above referenced matter. All of my issues of protest have been addressed and/or resolved.

☐ My withdrawal is not conditional.

Or

☑ My withdrawal is conditioned on the following:

Diversion and use of water under this right from the new wells added to water rights 13-7106 and 13-7512 through Transfer 84693 shall be junior and subordinate to water right 13-7148 in the event of a delivery call or claim of well interference and proposed well sites #3 and #4 are excluded from the transfer proposal.

Karen Naylor
Signature of Protestant or Representative

Manager, Clayton Family Legacy LLC
Title

5/6/21
Date

03-01-2018

SCANNED
APR 27 2023

KELLER-BLIESNER ENGINEERING, LLC

www.kelbli.com • Phone 435.753.5651 • Fax 435.753.6139 • 78 East Center, Logan, Utah 84321

MEMORANDUM

RECEIVED

MAR 22 2023

Department of Water Resources
Eastern Region

DATE: March 14, 2023

TO: Blake Jordan
Idaho Department of Water Resources
900 North Skyline Dr. Suite A
Idaho Falls, ID 83402
Ph: 208-525-7161
Email: Blake.Jordan@idwr.idaho.gov

FROM: Aaron M. Beutler, Keller Bliesner Engineering
(on behalf of the City of Dayton, Idaho)
Ph: 208-852-6668
Email: abeutler@kelbli.com

SUBJECT: City of Dayton Idaho, Replacement Water Well Improvement Project
City of Dayton Application for Transfer of Water Right – Change Points of Diversions with Water Rights# 13-7515 and 13-7106

To Whom it May Concern,

Please find enclosed an Application for Transfer of a Water Right to change a point of diversion associated with Water Rights # 13-7515 and 13-7106. This application requests that one potential well sites be changed in the existing water right. In the fall of 2023, the city drilled two exploratory pilot holes, one hole was abandoned (NENE Sec 22 Twp 15S Rge 38E) and the other hole (NESE Sec 22 Twp 15S Rge 38E) will be converted to a public supply well in the Spring of 2023. After drilling these two holes, and examination of the geology, the city has now decided to drill an additional 14" public supply well approximately 25-ft east of their existing public supply well located in the SESE quarter of Sec 22 Twp 15S Rge 38E. They request to change one of the previously approved potential points of diversion to this new location as depicted in the attached figure.

Please find enclosed a check in the amount of $740 to cover the application fee for the transfer of 3.39 cfs. Please process the application and send a copy of all correspondence regarding this application to our office as well as to the City of Dayton.

City of Dayton
P.O. Box 12
999 North Westside Highway
Dayton Idaho 83232
Email: daytonclerk@gmail.com

If you have any questions or concerns, please feel free to contact me at Keller-Bliesner Engineering at (435) 753-5651 or on my cell at (208) 852-6668, or via email.

Sincerely

Aaron M. Beutler, P.E., Project Manager
Keller-Bliesner Engineering

SCANNED

MAR 29 2023

Attachment to Transfer Approval 84693

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



0 600 1,200 Feet

- Water Right POD
- Township/Range
- Sections
- QQ

N
W E
S

Date 5/27/2021

SCANNED
MAR 29 2023

87667

IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

June 20, 2023

CITY OF DAYTON
PO BOX 12
DAYTON ID 83232-0012

Re: Transfer No: 87667
Water Right No(s).: 13-7106, 13-7512

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

SCANNED
JUN 21 2023

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,

Christina Henman
Administrative Assistant

Enclosure
CC:

CLAYTON FAMILY LEGACY
PAUL N CLAYTON MANAGING MEMBER
2 OLD OAK LANE
SANDY, UT 84092

JIM NAYLOR
58 S 3200 W
WESTON ID 83286

SCANNED
JUN 21 2023

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2023 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 87667
Water Right No(s).: 13-7106, 13-7512

CITY OF DAYTON
PO BOX 12
DAYTON ID 83232-0012

CLAYTON FAMILY LEGACY
PAUL N CLAYTON MANAGING MEMBER
2 OLD OAK LANE
SANDY, UT 84092

JIM NAYLOR
58 S 3200 W
WESTON ID 83286

Christina Henman
Administrative Assistant

SCANNED
JUN 21 2023

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.

SCANNED
JUN 21 2023

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.

SCANNED
JUN 21 2023

MEMORANDUM

Date: June 9, 2023

To: Transfer 87667

From: Jake Nebeker

Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change one point of diversion for water rights 13-7106 and 13-7512.

Authority to File:
The applicant is the water right owner of record. Dee Beckstead a Dayton City Councilmember and Melvin Beutler the Dayton City Mayor signed the application, both having authority to sign for the applicant. Franklin County tax lot data shows the applicant as the owner of the location of the proposed point of diversion. The applicant has authority to make the change.

Water Right Validity:
The water rights included in this transfer were licensed in 1982 and 2013. Water rights 13-7106 and 13-7512 were approved in Transfer No. 84693 in 2021. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:
The transfer was advertised and received one protest from the Clayton Family Legacy, LLC. The protest was resolved with a condition that makes the water diverted from the proposed point of diversion junior and subordinate to water right 13-7148. The protest was withdrawn.

Other rights do not appear to be injured by the proposed change. The quantity authorized to be diverted will not change as a result of the transfer. Since the water rights are not within a water district, no water master was contacted.

Enlargement of Use:
The proposed change does not appear to result in enlargement because the rate will not increase as a result of this transfer.

Local Public interest:
No issues identified.

Beneficial Use/Conservation of Water Resources:
No issued identified.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

SCANNED
JUN 21 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

April 27, 2023

CITY OF DAYTON
999 NORTH WESTSIDE HWY
PO BOX 12
DAYTON, ID 83232

CLAYTON FAMILY LEGACY
PAUL N CLAYTON MANAGING MEMBER
2 OLD OAK LANE
SANDY, UT 84092

JIM OR KAREN NAYLOR
58 S 3200 W
WESTON, ID 83286

RE: Application for Transfer No. 87667

Dear Parties:

This letter acknowledges receipt of a protest filed against the above-referenced transfer application from: Clayton Family Legacy LLC, Paul N. Clayton Managing Member. The following options are available for the resolution of protested applications:

- Direct contact between the parties to determine the nature of the protest(s) and to attempt to resolve the protest(s). Sincere conversation between the parties prior to initiation of formal proceedings can often resolve protest(s).
- Discussions at an informal settlement conference between Department staff, the applicant(s), and the protestant(s). The enclosed document summarizes the informal settlement conference purpose and procedure.
- Formal proceedings administered by the Department after the informal settlement conference. If formal proceedings are necessary, the Department will schedule a prehearing conference to begin the process.

Please consider the best option(s) for resolution of the protested application.

Meanwhile, the Department will schedule an informal settlement conference pursuant to the Department's Rules of Procedure (IDAPA 37.01.01). **Please notify the Department within 14 days of any dates you are UNAVAILABLE to participate in an informal settlement conference in the next three months.** You may provide unavailable dates via mail or via email to the email address below. If you do not notify the Department of unavailable dates, the Department will assume you are available for the informal settlement conference on any date selected. The Department may schedule the informal settlement conference as a conference phone call or in-person. The Department will send notice of the informal settlement conference once it is scheduled.

SCANNED
APR 27 2023

You may contact this office if you have any questions regarding the procedure discussed in this letter or additional information regarding the application, protest(s), water rights, and other matters administered by the Department is available on the Internet at www.idwr.idaho.gov.

Sincerely,

Christina Henman
Administrative Assistant
Christina.henman@idwr.idaho.gov
(208) 525-7161

Enclosure: Informal Settlement Conference Procedure

SCANNED
APR 27 2023

INFORMAL SETTLEMENT CONFERENCE PROCEDURE

APPLICATION FOR TRANSFER

ISSUES

Applications for transfer are filed for the purpose of changing a point of diversion, purpose of use, period of use or nature of use of all or part of a licensed, decreed or statutory water right. Section 42-222, Idaho Code, identifies the following potential issues that the Idaho Department of Water Resources (Department) considers in connection with an application for transfer:

1. Will the proposed transfer reduce the quantity of water under existing water rights?
2. Will the proposed transfer constitute an enlargement in use of the original water right?
3. Will the proposed transfer be contrary to the conservation of water resources within the State of Idaho?
4. Will the proposed transfer conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use and its potential effects on the public water source?
5. Will the proposed transfer adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?
6. Is the proposed transfer consistent with the requirements for municipal providers, if applicable?
7. Will the proposed transfer change the nature of use from an agricultural use, and would such a change significantly affect the agricultural base of the local area?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 5, 6, and 7 above and must provide evidence for the Department to evaluate these criteria.

The initial burden of proof on issue 4 lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for all of these issues.

SCANNED
APR 27 2023

PROCEDURE

The Department generally conducts an informal settlement conference with the parties to determine the issues and to try to settle a protested matter before the formal hearing process starts. The formal hearing process commences with a prehearing conference, which may require parties to be represented by an attorney.

INFORMAL SETTLEMENT CONFERENCE

The purpose of an informal settlement conference is to provide the opportunity for the parties and the Department to familiarize themselves with a protested matter and to attempt to resolve the matter. At the conference, the Department and the parties will discuss the application and protests, explore settlement options, discuss additional informational needs, evaluate the need for additional informal proceedings or alternative dispute resolution options such as mediation, and discuss the commencement of formal proceedings. When attending the conference, please bring a calendar with your schedule for the next two–six month period from the date of the informal settlement conference for the purpose of scheduling follow-up conferences, if needed.

HEARING

If the parties do not resolve the matter at the informal settlement conference, a formal hearing process may be commenced according to Sections 42-1701A(1) and (2), Idaho Code and the Department's Rules of Procedure. Copies of Idaho Code and the Department's rules are available upon request or by accessing the Department's website at: www.idwr.idaho.gov. The Department records formal hearings, and copies of a hearing recording are available upon request. There may be a charge for reproducing the recording.

If necessary, the hearing will likely be conducted by a hearing officer appointed by the Director rather than by the Director himself. The hearing officer will be designated in a notice of prehearing conference that commences the formal hearing process.

AMERICANS WITH DISABILITIES ACT

Any scheduled conferences or hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please notify the Department no later than ten (10) days prior to the conference or hearing.

SCANNED
APR 27 2023

The Preston Citizen

PROOF OF PUBLICATION
Preston Citizen

RECEIVED
APR 14 2023
Department of Water Resources
Eastern Region

7542 353965
IDAHO DEPT OF WATER RESOURCES/IF

IDAHO DEPT OF WATER RESOURCES/IF
900 NORTH SKYLINE DRIVE
SUITE A
IDAHO FALLS ID 83402

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO }
}SS.
County of Franklin }

COLLINS CRAPO
of Idaho Falls, Bonneville County, Idaho
being first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Processing Clerk of the Preston Citizen, a weekly Newspaper published in the City of Preston, in the County of Franklin, State of Idaho; that the said newspaper is in general circulation in the said County of Franklin, and in the vicinity of Preston, and has been uninterruptedly published said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and
entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
4. That said notice was published the following:
04/05/23, 04/12/23

Collins Crapo

STATE OF IDAHO)
County of BONNEVILLE)

On this date: 04/12/2023 before me a Notary Public, personally appeared COLLINS CRAPO, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Vera J Powell

Notary Public for Idaho
Bonneville County, Idaho
My Commission expires

VERA J POWELL
NOTARY PUBLIC - STATE OF IDAHO
COMMISSION NUMBER 20222624
MY COMMISSION EXPIRES 5-31-2028

353965

SCANNED
APR 27 2023

AD# 353965AD#

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 87667

CITY OF DAYTON, PO BOX 12, DAYTON, ID 83232-0012 has filed Application No. 87667 for changes to the following water rights within FRANKLIN County(s): Right No(s). 13-7106, 13-7512; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion. Proposed points of diversion are in NESE (2 wells) and SESE (2 wells, 1 new) Sec 15 T15S R38E for 3.39 cfs from ground water. For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of $25.00 for each application on or before 4/24/2023. The protestant must also send a copy of the protest to the applicant.

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

13-8133

JOSH and JILL TAYLOR, 992 N WESTSIDE HWY, DAYTON, ID 83232-5162
Point of Diversion SWNENE S20 T15S R39E FRANKLIN County
Source SPRING Tributary BEAR RIVER
Use: DOMESTIC
01/01 to 12/31
0.04 CFS
Total Diversion:
0.04 CFS
Date Filed: 03-21-2023
Place Of Use: DOMESTIC
T15S R39E S20 SENW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of $25.00 for each application on or before 4/24/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN
Director

Published: April 5, 12, 2023 (PCZN7542-353965)

SCANNED
APR 27 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little Director Gary Spackman

March 29, 2023

CLAYTON FAMILY LEGACY
C/O KAREN OR JIM NAYLOR
58 S. 3200 W
WESTON, ID 83286

RE: Application for Transfer 87667

Hello,

The Idaho Department of Water Resources (IDWR) has identified you as an interested party regarding the above referenced water right application filed by the City of Dayton. You can find a complete copy of the application at: https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers.

Public notice of this application will be published in the Preston Citizen on 4/5/2023 and 4/12/2023. IDWR can finish reviewing an unprotested application as soon as the protest period has passed. If you desire to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a $25.00 filing fee within 10 days after final publication. You must also send a copy of the protest to the applicant.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

SCANNED
APR 27 2023

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Governor Brad Little **Director Gary Spackman**

March 29, 2023

CITY OF DAYTON
PO BOX 12
DAYTON, ID 83232-0012

RE: Transfer No. 87667
Water Right No(s). 13-7106, 13-7512

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the PRESTON CITIZEN on 4/5/2023 and 4/12/2023. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

SCANNED
MAR 29 2023

Henman, Christina

From: Henman, Christina
Sent: Wednesday, March 29, 2023 1:55 PM
To: legals@prestoncitizen.com
Subject: Legal Notice for Preston Citizen
Attachments: 87667, 13-8133 Preston Citizen.docx

LEGAL NOTICE DEPARTMENT
PRESTON CITIZEN
PO BOX 472
PRESTON, ID 83263

RE: Transfer No. 87667, Permit No. 13-8133

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 4/24/2023. Your cooperation is appreciated.

Thank You,

IDAHO DEPARTMENT OF WATER RESOURCES

Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

SCANNED
MAR 29 2023

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 87667

CITY OF DAYTON, PO BOX 12, DAYTON, ID 83232-0012 has filed Application No. 87667 for changes to the following water rights within FRANKLIN County(s): Right No(s). 13-7106, 13-7512; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion. Proposed points of diversion are in NESE (2 wells) and SESE (2 wells, 1 new) Sec 15 T15S R38E for 3.39 cfs from ground water.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of $25.00 for each application on or before 4/24/2023. The protestant must also send a copy of the protest to the applicant.

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

13-8133
JOSH and JILL TAYLOR, 992 N WESTSIDE HWY, DAYTON, ID 83232-5162
Point of Diversion SWNENE S20 T15S R39E FRANKLIN County
Source SPRING Tributary BEAR RIVER
Use: DOMESTIC
01/01 to 12/31
0.04 CFS
Total Diversion:
0.04 CFS
Date Filed: 03-21-2023
Place Of Use: DOMESTIC
T15S R39E S20
SENW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of $25.00 for each application on or before 4/24/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/5/2023 and 4/12/2023

SCANNED
MAR 29 2023