

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 86486

This is to certify that: MATTHEW THORNTON
PO BOX 751
BELLEVUE, ID 83313

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>
37-113N	WR/DECREED	7/10/1884	0.400 cfs	N/A	N/A	15.0	BIG WOOD RIVER
37-480A	WR/DECREED	6/15/1891	0.400 cfs	N/A	N/A	15.0	BIG WOOD RIVER

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>
37-113N	YES	NO	YES	NO	NO	NO
37-480A	YES	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-113N	37-23382	0.120 cfs	N/A	N/A	4.5	37-113N	0.280 cfs	N/A	N/A	10.5
37-480A	37-23383	0.120 cfs	N/A	N/A	4.5	37-480A	0.280 cfs	N/A	N/A	10.5
COMBINED TOTALS		0.240 cfs	N/A	N/A	4.5		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 7th day of November, 2022.


Southern Region Manager

SUPPORT DATA

IN FILE # 37-113N

Transfer No. 86486

SCANNED
NOV 08 2022

WATER RIGHT NO. 37-113N
As Modified by Transfer No. 86486

In accordance with the approval of Transfer No. 86486, Water Right No. 37-113N is now described as follows:

Right Holder: MATTHEW THORNTON
PO BOX 751
BELLEVUE, ID 83313

Priority Date: 7/10/1884

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	to 10/31	0.280 cfs 0.280 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER L3 (SWNW) Sec 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	1				2.9									7.6				10.5

POU Total Acres: 10.5

CONDITIONS OF APPROVAL

1. Rights 37-113N, and 37-480A when combined shall not exceed the irrigation of 10.5 acres.
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. 37.
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(s).
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 86486

SCANNED
NOV 08 2022

WATER RIGHT NO. 37-113N
As Modified by Transfer No. 86486

CONDITIONS OF APPROVAL

7. 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. 37-23382**As Modified by Transfer No. 86486**

In accordance with the approval of Transfer No. 86486, Water Right No. 37-23382 is now described as follows:

Right Holder: MATTHEW THORNTON
PO BOX 751
BELLEVUE, ID 83313

Priority Date: 7/10/1884

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

0.120 cfs

0.120 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER L3 (SWNW) Sec 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	19E	6											4.5						4.5
													L 7						

POU Total Acres: 4.5

CONDITIONS OF APPROVAL

1. 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(s).
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. 37.
3. Rights 37-23382 and 37-23383 when combined shall not exceed the irrigation of 4.5 acres.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 86486

SCANNED

NOV 08 2022

WATER RIGHT NO. 37-23382
As Modified by Transfer No. 86486

CONDITIONS OF APPROVAL

7. 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. 37-480A
As Modified by Transfer No. 86486

In accordance with the approval of Transfer No. 86486, Water Right No. 37-480A is now described as follows:

Right Holder: MATTHEW THORNTON
 PO BOX 751
 BELLEVUE, ID 83313

Priority Date: 6/15/1891

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

0.280 cfs

0.280 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER L3 (SWNW) Sec 36 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	1				2.9									7.6				10.5

POU Total Acres: 10.5

CONDITIONS OF APPROVAL

1. 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. 37.
2. 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(s).
3. Rights 37-113N, and 37-480A when combined shall not exceed the irrigation of 10.5 acres.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 86486

SCANNED
 NOV 08 2022

WATER RIGHT NO. 37-480A
As Modified by Transfer No. 86486

CONDITIONS OF APPROVAL

7. 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. 37-23383**As Modified by Transfer No. 86486**

In accordance with the approval of Transfer No. 86486, Water Right No. 37-23383 is now described as follows:

Right Holder: MATTHEW THORNTON
PO BOX 751
BELLEVUE, ID 83313

Priority Date: 6/15/1891

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

0.120 cfs

0.120 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER

L3 (SWNW)

Sec 36 Twp 02N Rge 18E BLAINE 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	
01N	19E	6											4.5						4.5
													L 7						

POU Total Acres: 4.5

CONDITIONS OF APPROVAL

1. 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. 37.
2. 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(s).
3. Rights 37-23382 and 37-23383 when combined shall not exceed the irrigation of 4.5 acres.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 86486

SCANNED

NOV 08 2022

WATER RIGHT NO. 37-23383

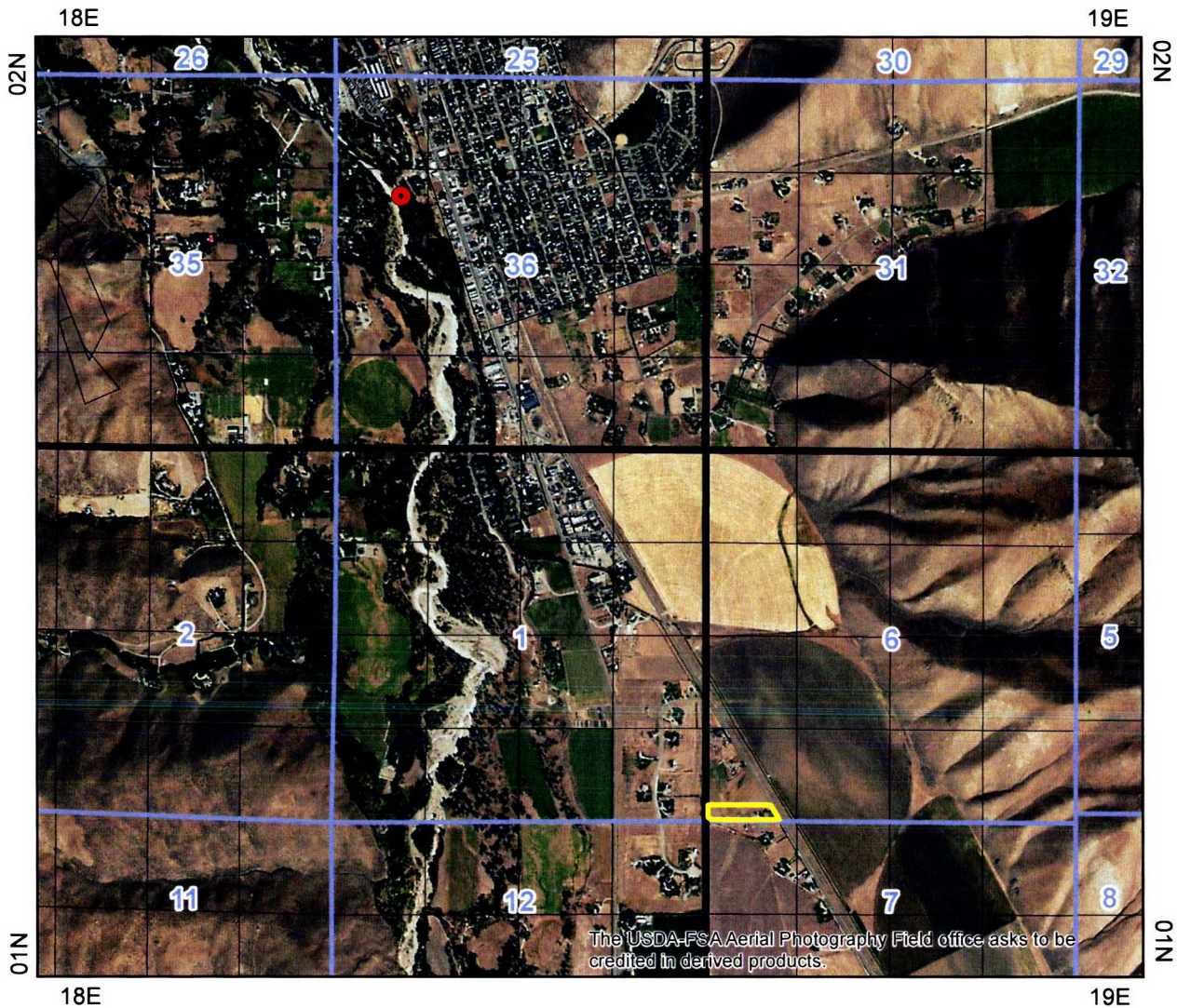
As Modified by Transfer No. 86486

CONDITIONS OF APPROVAL

7. 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.

State of Idaho
Department of Water Resources
Attachment to Transfer # 86486
37-23382 & 37-23383

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



- 18E 19E
- Place Of Use Boundary
 - Townships
 - PLS Sections
 - Quarter Quarters
 - Point of Diversion

0 0.3 0.6 1.2 Miles



SCANNED
NOV 08 2022

State of Idaho
Department of Water Resources
Attachment to Transfer # 86486
37-113N & 37-480A

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



- 18E 19E
-  Place Of Use Boundary
 -  Townships
 -  PLS Sections
 -  Quarter Quarters
 -  Point of Diversion

0 0.225 0.45 0.9 Miles



SCANNED
NOV 08 2022



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

November 8, 2022

MATTHEW THORNTON
PO BOX 751
BELLEVUE ID 83313

Re: Transfer No: 86486
Water Right No(s): 37-113N, 37-480A

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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.

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) 736-3033.

Sincerely,



Corey Skinner
Southern Regional Manager

Enclosure

c:

BROCKWAY ENGINEERING PLLC
C/O ZACH LATHAM
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301-3082

WATER DISTRICT 37
SUNNY HEALEY
107 W 1ST ST
SHOSHONE ID 83352-5425

CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2022 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.: 86486
Water Right No(s): 37-113N, 37-480A

MATTHEW THORNTON
PO BOX 751
BELLEVUE ID 83313

BROCKWAY ENGINEERING PLLC
C/O ZACH LATHAM
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301-3082

WATER DISTRICT 37
SUNNY HEALEY
107 W 1ST ST
SHOSHONE ID 83352-5425



Denise Maline
Administrative Assistant

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.

MEMORANDUM

Date: September 6, 2022
To: Transfer 86486 File
From: William Mills
Re: Evaluation of Sufficiency of Information Submitted

Application proposes moving a 0.24 cfs, 4.5 acre portion of two Big Wood River irrigation rights approximately 0.5 miles to the southeast to a new place of use (POU). There will be no change to the point of diversion (POD). Current POU is located approximately 0.6 to 0.9 miles south and 0.3 to 0.4 miles east of the intersection of Chestnut St. and Hwy 75 in Bellevue. Proposed POU is located approximately 1.2 to 1.3 miles south and 0.4 to 0.7 miles east of the intersection of Chestnut St. and Hwy 75 in Bellevue.

POD, current and proposed POU are in Water District 37. Watermaster comments were solicited and no response was received. Comments were also solicited from Idaho Department of Fish & Game and no response was received. Wood River Irrigation District #45, and Triangle Irrigation District had already given their consent to the proposed transfer application and comments had been previously submitted with the application.

- **Authority to File:**
IDWR records indicate the applicant currently owns the water rights and properties associated with this transfer application.
- **Water Right Validity:**
Water rights 37-113N & 37-480A were both decreed in the SRBA on 11/29/2012. Recent aerial and satellite imagery indicates the properties associated with the water rights appears to be irrigated.
- **Injury to Other Water Rights:**
None anticipated.

- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses of water.
- **Effect on the Economy of the Local Area:**
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**
None Anticipated.

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.

AFFIDAVIT of PUBLICATION

State of Idaho
County of Blaine

Pam Morris

, being the first duly sworn, deposes and says that she is the printer (publisher) of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 3 day of August, 20 22, and the date of the last publication was on the 10 day of August, 20 22

Subscribed and sworn to before me this 10 day of August, 20 22.

Connie N. Johnson
NOTARY PUBLIC

RECEIVED

AUG 12 2022

DEPT. OF WATER RESOURCES
SOUTHERN REGION

RESIDING AT HAILEY, IDAHO
MY COMMISSION EXPIRES ON 7/10/2022

IDAHO MOUNTAIN EXPRESS

P.O. Box 1013

Ketchum, Idaho 83340

COST OF PUBLICATION

Number of Picas per Line 11.5

Number of Lines in Notice 120

Number of Insertions 2

Lines tabular at _____ 9.0 cents/pica

120 Lines straight at \$110.40 8.0 cents/pica

120 Subsequent lines at \$96.60 7.0 cents/pica

TOTAL COST \$207

COPY OF NOTICE

Legal Notice
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

LEGAL NOTICE

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

37-23381

HIAWATHA CANAL WATER USERS
ASSN OF LATERAL OR LATERALS
PO BOX 1604

HAILEY, ID 83333-1604

Point of Diversion SWNW S20 T03N
R18E BLAINE County Source BIG
WOOD RIVER Tributary MALAD
RIVER

Use: GROUND WATER RECHARGE
01/01 to 12/31 63 CFS

Total Diversion: 63 CFS

Date Filed: 06-06-2022

Place Of Use: GROUND WATER
RECHARGE

Place Of Use located within:

T02N R18E S3, S4, S9, S10, S15,
S22, S23

T03N R18E S20, S21, S28, S29, S33

Application for permit proposes diversion of up to 63.0 cfs for ground water recharge from a point of diversion (Hiawatha Canal) on the Big Wood River located approximately 4.2 miles north and 1.4 miles west of the intersection of Main Street and Bullion Street in Hailey. The proposed place of use will be locations in the Hiawatha Canal and in off-canal recharge sites located approximately 4.3 miles north

to 2.4 miles south of Hailey. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

✓ Sm 8-19-2022 →

SCANNED

NOV 08 2022

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 86486

MATTHEW THORNTON, PO BOX 751, BELLEVUE, ID 83313 has filed Application No. 86486 for changes to the following water rights within BLAINE County(s): Right No(s). 37-113N, 37-480A. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes moving a 0.24 cfs, 4.5 acre portion of two Big Wood River irrigation rights approximately 0.5 miles to the southeast to a new place of use (POU). There will be no change to the point of diversion. Current POU is located approximately 0.6 to 0.9 miles south and 0.3 to 0.4 miles east of the intersection of Chestnut St. and Hwy 75 in Bellevue. Proposed POU is located approximately 1.2 to 1.3 miles south and 0.4 to 0.7 miles east of the intersection of Chestnut St. and Hwy 75 in Bellevue.

TRANSFER NO. 86487

MATTHEW THORNTON, PO BOX 751, BELLEVUE, ID 83313 has filed Application No. 86487 for changes to the following water rights within BLAINE County(s): Right No(s). 37-21581, 37-21584, 37-21587, 37-21590. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes moving four Big Wood River irrigation rights (0.73 cfs, 4.5 acres) approximately 0.5 miles to the northwest to a new place of use (POU). There will be no change to the point of diversion. Current POU is located approximately 1.2 to 1.3 miles south and 0.4 to 0.7 miles east of the intersection of Chestnut St. and Hwy 75 in Bellevue. Proposed POU is located approximately 0.6 to 0.9 miles south and 0.3 to 0.4 miles east of the intersection of Chestnut St. and Hwy 75 in Bellevue.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **August 22, 2022**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

**PUBLISH
IDAHO MOUNTAIN EXPRESS
AUGUST 3 & 10, 2022**

✓ *dm 8-19-2022*

al, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS 25TH DAY OF JULY, 2022.

Martha Burke, Mayor, City of Hailey

ATTEST:
Mary Cone, City Clerk

PUBLISH
IDAHO MOUNTAIN EXPRESS
AUGUST 3, 2022

HAILEY ORDINANCE NO. 1305

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING TITLE 17, ZONING REGULATIONS, CHAPTER 17.07, SUPPLEMENTARY LOCATION AND BULK REGULATIONS, SECTION 17.07.030.02, CONSTRUCTION TRAILERS, RVS, ATVS, TO ALLOW FOR LICENSED OPERATIONAL RVS TO BE USED ON PRIVATE PROPERTY WHEN SUCH PROPERTY IS OPERATING UNDER A VALID BUILDING PERMIT, PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council has found that the following amendment to the Hailey Municipal Code, Title 17, conforms to the Hailey Comprehensive Plan; and

WHEREAS, the Hailey City Council has found that the proposed amendment allows for homeowners, trade-specific workers, contractor or construction workers the ability to live onsite with a valid Building Permit during construction;

WHEREAS, the Hailey City Council has determined that the above-mentioned provision is an appropriate provision which directly helps ease the housing burden within the City of Hailey; and

WHEREAS, the text amendment set forth in this ordinance will promote the public health, safety and general welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Title 17, Section 17.07 of the Hailey Municipal Code, is hereby amended by the addition and/or removal of the underlined and/or stricken language, as follows:

Section 17.07.030.02 Construction Trailers, RVs and ATVs:

A. Construction trailers or other structures erected solely in conjunction with any construction project, ~~other than a single-family dwelling~~, may be located on the site and utilized as a construction office ~~or dwelling unit~~ during the time of actual construction, and ~~provided the property is operating under a valid Building Permit. If operating as a dwelling unit onsite during construction, the Administrator, with concurrence of the Chair or Chair's designee, has the authority to administratively approve the request, which shall be documented in writing on file with the Community Development Department prior to issuance of a Building Permit.~~

Section 2. Severability Clause. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3. Repealer Clause. All City

of Hailey ordinances or parts thereof, which are in conflict herewith, are hereby repealed.

Section 4. Effective Date. This ordinance shall be in full force and effect from and after passage, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS 25TH DAY OF JULY, 2022.

Martha Burke, Mayor, City of Hailey

ATTEST:
Mary Cone, City Clerk

PUBLISH
IDAHO MOUNTAIN EXPRESS
AUGUST 3, 2022

NOTICE OF PUBLIC HEARING RESOLUTION NO. 2022-09 RESERVING FISCAL YEAR 2023 FOREGONE INCREASE CITY OF SUN VALLEY, IDAHO

Notice is hereby given that pursuant to Idaho Code Section 63-802(f), and in conjunction with the budget hearing, the City Council of Sun Valley, Idaho, will hold a public hearing on Resolution No. 2022-09 Reserving the Foregone Increase. The hearing will be held at City Hall, 81 Elkhorn Road, Sun Valley, Idaho, at 4:00 PM on August 25, 2022. At said hearing, any interested person may appear and show cause, if any, why said resolution should or should not be adopted. Copies of the proposed resolution are available at City Hall during regular office hours, 8:00 AM to 5:00 PM weekdays.

Dated this 27th day of July 2022.

/s/ Nancy Flannigan, City Clerk/Asst. to the City Admin.

PUBLISH
IDAHO MOUNTAIN EXPRESS
AUGUST 3 & 10, 2022

CITY OF BELLEVUE, IDAHO ORDINANCE NO. 2022-05

AN ORDINANCE OF THE CITY OF BELLEVUE, IDAHO, AMENDING BELLEVUE'S CITY CODE BY AMENDING TITLE 7, PUBLIC WORKS AND PROPERTY, CHAPTER 3, CITY PARKS, §7-3-15 TO CHANGE PARK HOURS; AND INCLUDES A SEVERABILITY CLAUSE, A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BELLEVUE, IDAHO, AS FOLLOWS:

SECTION 1: Title 7, Chapter 3, §7-3-15 is hereby amended with the deletion of the stricken language and the addition of the underlined language as follows: "The hours of use for each of the City parks shall be from ~~dawn~~ sunrise to dusk sunset. Such hours of use shall be posted in plain view by sign at each City park. No person shall use any City park, under any circumstances, between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. the following day without a written park use permit issued by the City."

SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence, or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

SECTION 3. REPEALER CLAUSE. All Ordinances or Resolutions or parts thereof in conflict herewith are hereby repealed and rescinded.

NOTICE OF A BUDGET PUBLIC HEARING OF THE SUN VALLEY WATER & SEWER DISTRICT BOARD

NOTICE IS HEREBY GIVEN that the Sun Valley Water and Sewer District Board, Sun Valley, Idaho will hold a public hearing for consideration of the proposed budget for the fiscal period December 1, 2022 through November 30, 2023, pursuant to the provisions of Section 42-3229, Idaho Code, said hearing to be held at City Hall, 81 Elkhorn Road, Sun Valley, Idaho on August 15, 2022, at 8:30 A.M. At said hearing all interested persons may appear and show cause, if any they have, why said proposed budget should not be adopted.

PROPOSED EXPENDITURES

The following is an estimate set forth in said proposed budget of the total expenditures and accruing indebtedness of the Sun Valley Water and Sewer District, Sun Valley, Idaho for the fiscal period December 1, 2022 through November 30, 2023.

Salaries and Related Expenses	\$1,022,100
Operating Expenses	2,237,691
KSTP Expenses (Sewage Treatment Plant)	850,000
Capital Replacement	900,000
Amortization	350,000
Non Operating Expenditures Debt Service	325,775
McHanville LID	9,856
Capital Improvements	5,700,801
TOTAL PROPOSED EXPENDITURES	\$11,396,223

ESTIMATED REVENUES

The estimated revenues for the Sun Valley Water and Sewer District, Sun Valley, Idaho for the fiscal period December 1, 2022 through November 30, 2023 is as follows:

Water and Sewer Charges	\$2,851,000
Property Taxes - General	1,109,266
Property Taxes-Water & Sewer Bonds	325,775
State Sales Tax and Other Revenues	78,000
Interest Revenues	59,800
Capital Improvement Fees	100,000
McHanville LID	9,856
Fund Balances	6,862,526
TOTAL ESTIMATED REVENUES	\$11,396,223

I, Patrick J. McMahon, Manager of the Sun Valley Water and Sewer District, Sun Valley, Idaho, do hereby certify that the above is a true and correct statement of the proposed expenditures and revenues for fiscal year 2022-23, all of which have been tentatively approved and entered at length in the Journal of Proceedings. I further certify that the Sun Valley Water and Sewer District, Sun Valley, Idaho did give notice for said hearing with notice having been published within ten days prior to the public hearing of the budget by the Sun Valley Water and Sewer Board. Citizens are invited to attend the budget hearing on August 15, 2022 at 8:30 A.M. and have the right to provide written or oral comments concerning the entire Water and Sewer District budget. A copy of the proposed budget is available at the Sun Valley Water & Sewer District office at 49 Larry's Lane, Elkhorn, Sun Valley, Idaho, for inspection during regular office hours. All citizens are encouraged to attend and comment.

Dated this 28th day of July 2022
/s/ Patrick J. McMahon Manager

PUBLISH
IDAHO MOUNTAIN EXPRESS
AUGUST 3 & 10, 2022

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval, and publication according to law.

PASSED AND ADOPTED BY THE BELLEVUE CITY COUNCIL and approved by the Mayor this 25th day of July, 2022.

/s/ Kathryn Goldman, Mayor

ATTEST: /s/ Marian Edwards, City Clerk

PUBLISH
IDAHO MOUNTAIN EXPRESS
AUGUST 3, 2022

LEGAL NOTICE

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

37-23381
HIAWATHA CANAL WATER USERS
ASSN OF LATERAL OR LATERALS
PO BOX 1604
HAILEY, ID 83333-1604

Point of Diversion: SWNW S20 T03N R18E BLAINE County Source BIG WOOD RIVER Tributary MALAD RIVER

Use: GROUND WATER RECHARGE
01/01 to 12/31 63 CFS
Total Diversion: 63 CFS
Date Filed: 06-06-2022
Place Of Use: GROUND WATER RECHARGE
Place Of Use located within:
T02N R18E S3, S4, S9, S10, S15, S22, S23

T03N R18E S20, S21, S28, S29, S33
Application for permit proposes diversion of up to 63.0 cfs for ground water recharge from a point of diversion (Hiawatha Canal) on the Big Wood River located approximately 4.2 miles north and 1.4 miles west of the intersection of Main Street and Bullion Street in Hailey. The proposed place of use will be locations in the Hiawatha Canal and in off-canal recharge sites located approximately 4.3 miles north

to 2.4 miles south of Hailey. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 86486
MATTHEW THORNTON, PO BOX 751, BELLEVUE, ID 83313 has filed Application No. 86486 for changes to the following water rights within BLAINE County(s): Right No(s): 37-113N, 37-480A. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes moving a 0.24 cfs, 4.5 acre portion of two Big Wood River irrigation rights approximately 0.5 miles to the southeast to a new place of use (POU). There will be no change to the point of diversion. Current POU is located approximately 0.6 to 0.9 miles south and 0.3 to 0.4 miles east of the intersection of Chestnut St. and Hwy 75 in Bellevue. Proposed POU is located approximately 1.2 to 1.3 miles south and 0.4 to 0.7 miles east of the intersection of Chestnut St. and Hwy 75 in Bellevue.

TRANSFER NO. 86487
MATTHEW THORNTON, PO BOX 751, BELLEVUE, ID 83313 has filed Application No. 86487 for changes to the following water rights within BLAINE County(s): Right No(s): 37-21581, 37-21584, 37-21587, 37-21590. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes moving four Big Wood River irrigation rights (0.73 cfs, 4.5 acres) approximately 0.5 miles to the northwest to a new place of use (POU). There will be no change to the point of diversion. Current POU is located approximately 1.2 to 1.3 miles south and 0.4 to 0.7 miles east of the intersection of Chestnut St. and Hwy 75 in Bellevue. Proposed POU is

located approximately 0.6 to 0.9 miles south and 0.3 to 0.4 miles east of the intersection of Chestnut St. and Hwy 75 in Bellevue.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **AUGUST 22, 2022**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH
IDAHO MOUNTAIN EXPRESS
AUGUST 3 & 10, 2022

NOTICE OF PUBLIC HEARING BEFORE THE BELLEVUE CITY COUNCIL TO CONSIDER A RE-ZONE APPLICATION

NOTICE IS HEREBY GIVEN that on August 22, 2022, at approximately 5:30 p.m. in Bellevue City Hall, located at 115 East Pine Street, Bellevue, Idaho, a public hearing will be held to consider a Re-zone application, submitted by Galena Engineering and Errin Bliss Architecture on behalf of M&M Powersports LLC. The property is located at the corner of Hwy 75 and Kirtley Street, Bellevue, Idaho.

Supporting background materials for the project will be available on the city website www.bellevueidaho.us and at the Community Development Department in City Hall during regular city business hours.

Proof of legal notice received from Idaho Min Express 8/1/2022

8-1-2022 DM ✓ OK

SCANNED

NOV 08 2022

Maline, Denise

From: Southern Info
Sent: Monday, August 1, 2022 11:00 AM
To: Maline, Denise
Subject: FW: Transfer No. 86486 & 86487 Matt Thornton

From: Sarah Gardner <sarah@sage-solutions.net>
Sent: Monday, August 1, 2022 10:02 AM
To: Southern Info <southerninfo@idwr.idaho.gov>
Cc: Brett@hillsidegrain.com; Matt Thornton <matt@thornton-heating.com>; Jason Anderson <janderson@pdescows.com>
Subject: Transfer No. 86486 & 86487 Matt Thornton

Denise Maline,
We received your letter regarding the water right application for Matt Thornton and approve the application.
Should you need any more information from the Triangle Irrigation District, please feel free to contact me.
Thank you,
Sarah Gardner