STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87938

This is to certify that: CITY OF HEYBURN
941 18TH ST
HEYBURN, ID 83336-4902

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
36-17185	WR/LICENSE	12/22/1995	0.050 cfs	2.4 af	N/A	N/A	GROUND WATER
36-4233	WR/DECREED	3/1/1963	0.200 cfs	27.0 af	N/A	5.0	GROUND WATER
36-7970	WR/DECREED	3/10/1981	0.200 cfs	27.6 af	N/A	N/A	GROUND WATER
36-8332	WR/LICENSE	10/12/1987	0.040 cfs	0.9 af	N/A	N/A	GROUND WATER
36-8550	WR/LICENSE	5/29/1990	6.670 cfs	N/A	N/A	N/A	GROUND WATER
36-8738	WR/LICENSE	5/22/1995	3.300 cfs	N/A	N/A	N/A	GROUND WATER
36-8744	WR/LICENSE	12/22/1995	0.070 cfs	3.2 af	N/A	0.2	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
36-17185	NO	NO	YES	YES	NO	YES
36-4233	NO	NO	YES	YES	YES	YES
36-7970	NO	NO	YES	YES	NO	YES
36-8332	NO	NO	YES	YES	NO	YES
36-8550	NO	YES	YES	YES	NO	NO
36-8738	NO	YES	YES	YES	NO	NO
36-8744	NO	NO	YES	YES	YES	YES

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
36-17185	36-17185	0.050 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-4233	36-4233	0.200 cfs	16.1af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-7970	36-7970	0.200 cfs	11.1af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-8332	36-8332	0.040 cfs	0.9 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-8550	36-8550	6.670 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-8738	36-8738	3.300 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-8744	36-8744	0.070 cfs	0.6 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**10.530 cfs**	**N/A**	**N/A**	**N/A**		**N/A**	**N/A**	**N/A**	**N/A**

SUPPORT DATA
IN FILE # 36-4233

Transfer No. 87938

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87938

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 16th day of January, 2024.

Southern Region Manager

WATER RIGHT NO. 36-7970

As Modified by Transfer No. 87938

In accordance with the approval of Transfer No. 87938, Water Right No. 36-7970 is now described as follows:

Right Holder: CITY OF HEYBURN
941 18TH ST
HEYBURN, ID 83336-4902

Priority Date: 3/10/1981

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
MUNICIPAL	01/01	to	12/31	0.200 cfs	11.1 af
				0.200 cfs	11.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENENE	Sec 11 Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SWNENE	Sec 11 Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SENWNE	Sec 11 Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	NWSENE	Sec 15 Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SWNENW	Sec 22 Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SENWNW	Sec 9 Twp 10S Rge 23E	MINIDOKA County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Heyburn municipal water supply system as provided for under Idaho Law.

2. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.

3. Use of water under this right will 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. 130.

4. 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).

5. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, this right retains its original priority for well locations authorized under this right as identified in decree dated 3/20/1998.

6. This right does not grant any right-of-way or easement across the land of another.

WATER RIGHT NO. 36-7970

As Modified by Transfer No. 87938

CONDITIONS OF APPROVAL

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

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 36-8332

As Modified by Transfer No. 87938

In accordance with the approval of Transfer No. 87938, Water Right No. 36-8332 is now described as follows:

Right Holder: CITY OF HEYBURN
941 18TH ST
HEYBURN, ID 83336-4902

Priority Date: 10/12/1987

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
MUNICIPAL	01/01	to	12/31	0.040 cfs	0.9 af
				0.040 cfs	0.9 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENENE	Sec 11 Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SWNENE	Sec 11 Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SENWNE	Sec 11 Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	NWSENE	Sec 15 Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SWNENW	Sec 22 Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SENWNW	Sec 9 Twp 10S Rge 23E	MINIDOKA County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Heyburn municipal water supply system as provided for under Idaho Law.
2. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.
3. Use of water under this right will 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. 130.
4. 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).
5. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, this right retains its original priority for well locations authorized under this right as identified in license dated 7/6/1992.
6. This right does not grant any right-of-way or easement across the land of another.

WATER RIGHT NO. 36-8332

As Modified by Transfer No. 87938

CONDITIONS OF APPROVAL

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

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 36-4233

As Modified by Transfer No. 87938

In accordance with the approval of Transfer No. 87938, Water Right No. 36-4233 is now described as follows:

Right Holder: CITY OF HEYBURN
941 18TH ST
HEYBURN, ID 83336-4902

Priority Date: 3/1/1963

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
MUNICIPAL	01/01	to	12/31	0.200 cfs	16.1 af
				0.200 cfs	16.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENENE	Sec 11 Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SWNENE	Sec 11 Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SENWNE	Sec 11 Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	NWSENE	Sec 15 Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SWNENW	Sec 22 Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SENWNW	Sec 9 Twp 10S Rge 23E	MINIDOKA County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Heyburn municipal water supply system as provided for under Idaho Law.
2. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.
3. Use of water under this right will 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. 130.
4. 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).
5. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, this right retains its original priority for well locations authorized under this right as identified in decree dated 8/27/2001.
6. This right does not grant any right-of-way or easement across the land of another.

WATER RIGHT NO. 36-4233

As Modified by Transfer No. 87938

CONDITIONS OF APPROVAL

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

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

9. 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.

10. Rights 36-4233, 36-8744, and 36-17185 when combined shall not exceed a total diversion rate of 0.32 cfs and a total annual maximum diversion volume of 16.7 af.

WATER RIGHT NO. 36-8550

As Modified by Transfer No. 87938

In accordance with the approval of Transfer No. 87938, Water Right No. 36-8550 is now described as follows:

Right Holder: CITY OF HEYBURN
941 18TH ST
HEYBURN, ID 83336-4902

Priority Date: 5/29/1990

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate
MUNICIPAL	01/01	to	12/31	6.670 cfs
				6.670 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENENE	Sec 11	Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SWNENE	Sec 11	Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SENWNE	Sec 11	Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	NWSENE	Sec 15	Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SWNENW	Sec 22	Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SENWNW	Sec 9	Twp 10S Rge 23E	MINIDOKA County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Heyburn municipal water supply system as provided for under Idaho Law.

2. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.

3. Use of water under this right will 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. 130.

4. 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).

5. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, this right retains its original priority for well locations authorized under this right as identified in Transfer 73504 dated 1/3/2008.

6. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

WATER RIGHT NO. 36-8550

As Modified by Transfer No. 87938

CONDITIONS OF APPROVAL

7. When the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the consumptive uses authorized by this right. The minimum stream flow water rights are for 3,900 cfs from April 1 through October 31 and 5,600 cfs from November 1 through March 31. See IDAPA 37.03.08.030.

8. This right does not grant any right-of-way or easement across the land of another.

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

10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 36-8738

As Modified by Transfer No. 87938

In accordance with the approval of Transfer No. 87938, Water Right No. 36-8738 is now described as follows:

Right Holder: CITY OF HEYBURN
941 18TH ST
HEYBURN, ID 83336-4902

Priority Date: 5/22/1995

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate
MUNICIPAL	01/01	to	12/31	3.300 cfs
				3.300 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENENE	Sec 11	Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SWNENE	Sec 11	Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SENWNE	Sec 11	Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	NWSENE	Sec 15	Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SWNENW	Sec 22	Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SENWNW	Sec 9	Twp 10S Rge 23E	MINIDOKA County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Heyburn municipal water supply system as provided for under Idaho Law.

2. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.

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. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.

5. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.

6. Use of water under this right will 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. 130.

WATER RIGHT NO. 36-8738

As Modified by Transfer No. 87938

CONDITIONS OF APPROVAL

7. 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).

8. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, this right retains its original priority for well locations authorized under this right as identified in Transfer 73504 dated 1/3/2008.

9. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

10. When the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the consumptive uses authorized by this right. The minimum stream flow water rights are for 3,900 cfs from April 1 through October 31 and 5,600 cfs from November 1 through March 31. See IDAPA 37.03.08.030.

11. This right does not grant any right-of-way or easement across the land of another.

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

13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 36-8744

As Modified by Transfer No. 87938

In accordance with the approval of Transfer No. 87938, Water Right No. 36-8744 is now described as follows:

Right Holder: CITY OF HEYBURN
941 18TH ST
HEYBURN, ID 83336-4902

Priority Date: 12/22/1995

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
MUNICIPAL	01/01	to	12/31	0.070 cfs	0.6 af
				0.070 cfs	0.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENENE	Sec 11	Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SWNENE	Sec 11	Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SENWNE	Sec 11	Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	NWSENE	Sec 15	Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SWNENW	Sec 22	Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SENWNW	Sec 9	Twp 10S Rge 23E	MINIDOKA County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Heyburn municipal water supply system as provided for under Idaho Law.
2. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.
3. Use of water under this right will 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. 130.
4. 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).
5. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, this right retains its original priority for well locations authorized under this right as identified in license dated 5/3/2019.
6. This right does not grant any right-of-way or easement across the land of another.

WATER RIGHT NO. 36-8744

As Modified by Transfer No. 87938

CONDITIONS OF APPROVAL

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

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

9. Rights 36-4233, 36-8744, and 36-17185 when combined shall not exceed a total diversion rate of 0.32 cfs and a total annual maximum diversion volume of 16.7 af.

WATER RIGHT NO. 36-17185

As Modified by Transfer No. 87938

In accordance with the approval of Transfer No. 87938, Water Right No. 36-17185 is now described as follows:

Right Holder: CITY OF HEYBURN
941 18TH ST
HEYBURN, ID 83336-4902

Priority Date: 12/22/1995

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate
MUNICIPAL	01/01	to	12/31	0.050 cfs
				0.050 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENENE	Sec 11	Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SWNENE	Sec 11	Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SENWNE	Sec 11	Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	NWSENE	Sec 15	Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SWNENW	Sec 22	Twp 10S Rge 23E	MINIDOKA County
GROUND WATER	SENWNW	Sec 9	Twp 10S Rge 23E	MINIDOKA County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Heyburn municipal water supply system as provided for under Idaho Law.
2. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.
3. Use of water under this right will 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. 130.
4. 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).
5. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, this right retains its original priority for well locations authorized under this right as identified in license 36-8744 dated 5/3/2019.
6. This right does not grant any right-of-way or easement across the land of another.

WATER RIGHT NO. 36-17185

As Modified by Transfer No. 87938

CONDITIONS OF APPROVAL

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

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

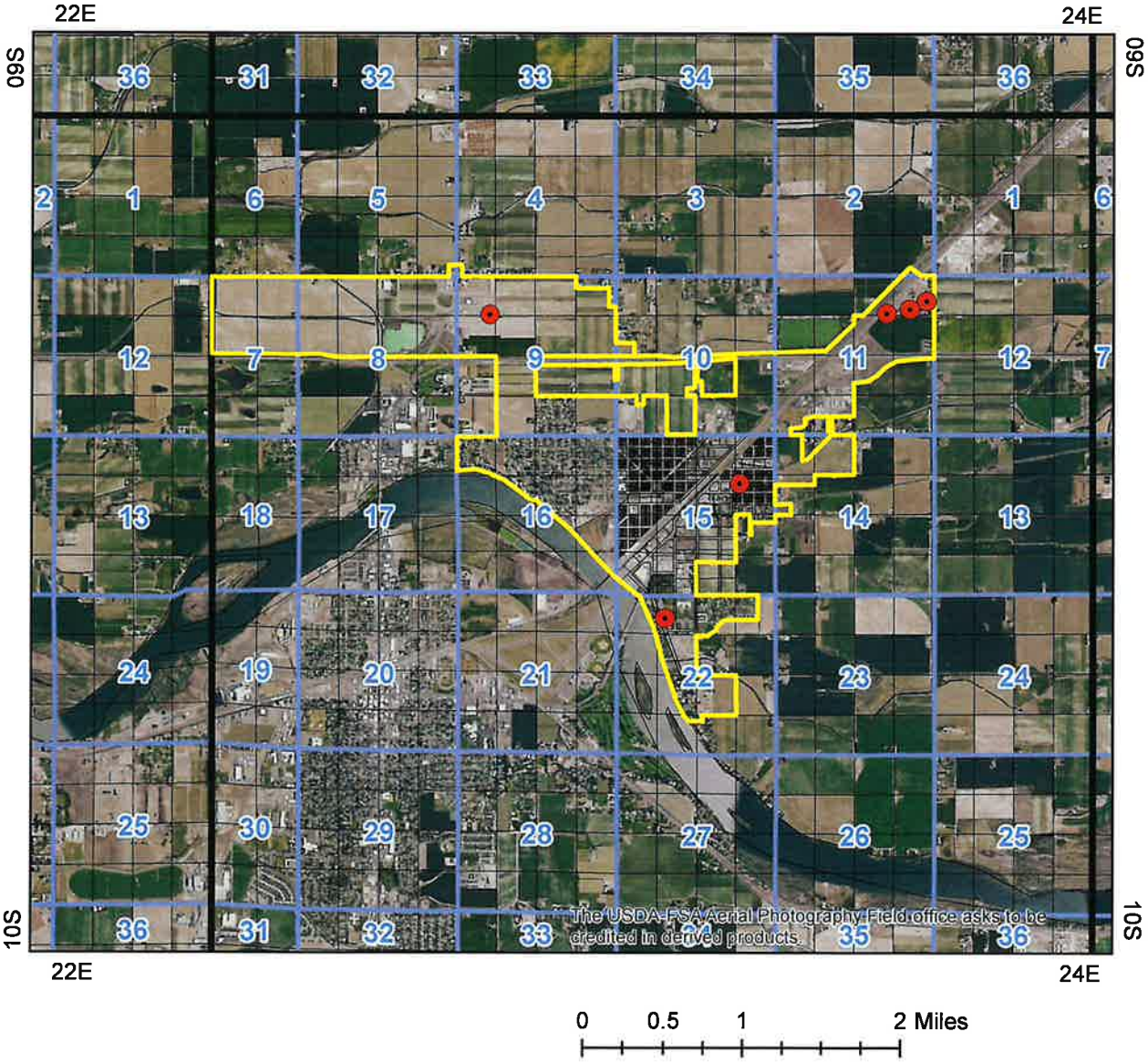
9. Rights 36-4233, 36-8744, and 36-17185 when combined shall not exceed a total diversion rate of 0.32 cfs and a total annual maximum diversion volume of 16.7 af.

State of Idaho
Department of Water Resources

Attachment to Transfer # 87938

36-4233, 36-7970, 36-8332, 36-8550, 36-8738, 36-8744, and 36-17185

This map depicts the MUNICIPAL 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.



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

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 Mathew Weaver**

January 19, 2024

CITY OF HEYBURN
941 18TH ST
HEYBURN ID 83336-4902

Re: Transfer No: 87938
Water Right No(s).: 36-4233, 36-7970, 36-8332, 36-8550, 36-8738, 36-8744, 36-17185

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 GREG SULLIVAN
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301-3082

WATER DISTRICT 130
COREY KING
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

CERTIFICATE OF SERVICE

I hereby certify that on January 19, 2024 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.: 87938
Water Right No(s).: 36-4233, 36-7970, 36-8332, 36-8550, 36-8738, 36-8744, 36-17185

CITY OF HEYBURN
941 18TH ST
HEYBURN ID 83336-4902

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

WATER DISTRICT 130
COREY KING
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

Denise Maline

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: January 15, 2024

To: Transfer 87938

From: Corey Skinner

Re: Evaluation of Sufficiency of Information Submitted

Application proposes to change and add authorized points of diversion for two existing municipal water rights (9.97 cfs total) by identifying six existing wells as authorized points of diversion. The application also proposes to change the nature of use of five ground water rights (0.56 cfs) from domestic, irrigation, and/or commercial uses to municipal use and identify the six existing wells as authorized points of diversion. The six wells are all located within the City of Heyburn service area specifically within Sections 9, 11, 15, and 22, Township 10 South, Range 23 East. In total, the application proposes to divert a total of 10.53 cfs from six wells for year-round municipal use.

The wells involved with the transfer are located within the ESPA model boundary area. A ground water model analysis was submitted by the applicant's representative, showing that no mitigation was required. The analysis assumed that all of the proposed transfer volume would be diverted from the furthest cells, which would be the very worst-case scenario. However, such a scenario would be extremely unlikely. The Department also conducted the same model analysis and came to the same conclusion that mitigation for this transfer is not required. The proposed transfer is within Water District 130, so watermaster comments were solicited and the watermaster did not oppose approval of this transfer. The transfer was subject to notice and protest and no protests were received.

- **Authority to File:**
  The applicant, City of Heyburn, is listed as the current owner of the water rights involved in the transfer.

- **Water Right Validity:**
  For the seven water rights involved in the transfer, two were decreed in the SRBA in 1998 and 2001. The other five water rights were licensed in 1992, 1998, 2006, and 2019. Recent aerial photography indicates that these water rights have been used in recent years.

- **Injury to Other Water Rights:**
  None anticipated.

- **Enlargement of Use:**
  The applicant proposed allowing more volume through the change in nature of use than what will ultimately be approved. A meeting was held between me, IDWR administration, and IDWR Eastern & Western Regional Managers. During this meeting, it was decided that IDWR cannot allow volume credit in a conversion from in house domestic use to municipal use (see transfer # 82259 approved in 2018). However, credit for diversion rates for in-house use could be allowed. Accounting for this, the following allowed rate and volumes for the rights will be approved:

  Right 36-17185 allows for 0.05 cfs and 2.4 AF for in-house domestic use only prior to the transfer. After the transfer, 0.05 cfs and no volume credit will be allowed. Note that rights 36-17185, 36-4233, and 36-8744 were diverted from the same well (system) prior to the transfer. A rate and volume limiting condition will be placed on these rights to account for no volume allowance on right 36-17185. Allowing this right to be converted to municipal use also prevents a domestic right being diverted and used out of a municipal system since this right's original POD (well) will be added to the municipal system after the transfer.

  Right 36-4233 allows for 0.20 cfs and 7.0 AF for in-house domestic use (57 trailers per SRBA decree) and 0.12 cfs and 20.0 AF for five acres of irrigation prior to the transfer. The total for this right prior to the transfer is 0.20 cfs and 27.0 AF. After the transfer, 0.20 cfs and 16.1 AF will be allowed for this right. The volume limit is based on 5.0 acres at 3.21 AF/acre (Pdef for turfgrass in the Burley area).

  Right 36-8744 allows for 0.05 cfs and 2.4 AF for in house use (4 RV spaces) and 0.02 cfs and 0.8 AF for irrigation of 0.2 acres. The total for this right prior to the transfer is 0.07 cfs and 3.2 AF. After the transfer, 0.07 cfs and 0.6 AF will be allowed for this right . The volume limit is based on 0.2 acres at 3.21 AF/acre (Pdef for turfgrass in the Burley area).

  Right 36-7970 allows for 0.20 cfs and 27.6 AF for domestic use prior to the transfer. The SRBA decree indicates that this right is for 23 homes. Note that 27.6 AF for 23 homes equates to 1.2 AF per home. This is the IDWR standard for 0.6 AF for in house use, and 0.6 AF for irrigation per home (1.2 AF per home). To account for recognition of irrigation being allowed for this right, a ratio of 3.21 AF (Pdef for turfgrass in the Burley area) divided by 4.0 AF (field headgate allowance in the Burley/Heyburn area) will be applied to half the allowed volume of 27.6 AF (23 homes at 0.6 AF each for irrigation). This results in an allowable volume of 11.1 AF for the consumptive portion of the irrigation allowance for this right. After the transfer, 0.20 cfs and 11.1 AF will be allowed.

  Right 36-8332 allows for 0.04 cfs and 0.9 AF for commercial use prior to the transfer. Since commercial use can be 100% consumptive, 0.4 cfa and 0.9 AF will be allowed after the transfer for this right.

  Rights 36-8550 and 36-8738 are already for municipal use prior to the transfer (diversion rates with no volume limits). After the transfer, they will retain their original rates (no diversion volume limits).

- **Local Public Interest:**
  No negative impacts anticipated. No protests were received.
- **Beneficial Use/Conservation of Water Resources:**
  Proposed use is recognized as a beneficial use of water.
- **Effect on Economy of the Local Area:**
  None anticipated.
- **Effect of the Agricultural Base of the Local Area:**
  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.

** Proof of Publication **

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

SHERRI DAVIS, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

ID DEPARTMENT OF WATER RESOURCES Southern Region
Denise Maliine Adminisrative Assistant
650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

RECEIVED
OCT 19 2023
DEPT OF WATER RESOURCES
SOUTHERN REGION

ORDER NUMBER 144611

Sherri Davis

(Legals Clerk)

STATE OF IDAHO)
.SS
COUNTY OF TWIN FALLS)

On this 12 day of Oct in the year of 2023 before me, a Notary Public, personally appeared before me Sherri Davis known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Amy Wiesmore
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 9-4-26

AMY WIESMORE
COMMISSION NO. 20203230
NOTARY PUBLIC
STATE OF IDAHO
MY COMM. EXPIRES 09/04/2026

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 87938

CITY OF HEYBURN, 941 18TH ST, HEYBURN, ID 83336-4902 has filed Application No. 87938 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-17185, 36-4233, 36-7970, 36-8332, 36-8550, 36-8738, 36-8744. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change and add authorized points of diversion for two existing municipal water rights (9.97 cfs total) by identifying six existing wells as authorized points of diversion. The application also proposes to change the nature of use of five ground water rights (0.56 cfs) from domestic, irrigation, and/or commercial uses to municipal use and identify the six existing wells as authorized points of diversion. The six wells are all located within the City of Heyburn service area specifically within Sections 9, 11, 15, and 22, Township 10 South, Range 23 East. In total, the application proposes to divert a total of 10.53 cfs from six wells for year-round municipal use.

TRANSFER NO. 88521

MART GROUP LLC, PO BOX 34, RUPERT, ID 83350-0034 has filed Application No. 88521 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-16384, 36-8457, 36-8458. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change one of two points of diversion (POD) for three ground water commercial rights with a combined flow rate of 0.36 cfs. The POD to be changed is located approximately 0.9 mile east and 0.7 mile north of the intersection of 8th Street and Meridian Road in Rupert. The proposed POD is a new well to be located approximately 0.3 mile southeast of the existing well.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see https://research.idwr.idaho.gov. 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, 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 October 23, 2023. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director
Publish: October 5, 12, 2023

Section: Legals
Category: 50 Legal
PUBLISHED ON: 10/05/2023, 10/12/2023

✓ OK DM 10/23/2023

TOTAL AD COST: 180.13
FILED ON: 10/12/2023

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 87938
Applicant Name: City of Heyburn

Watermaster's Recommendation:

a) __X__ I do not oppose approval of this application

b) ____ I do not oppose approval of this application under the following terms:

c) ____ I oppose approval of this application(s) for the following reasons:

d) ____ Additional comment:

Dated: **September 29, 2023**

Water District 130

Corey King, Watermaster

Customer Ad Proof

164-60002276 ID DEPARTMENT OF WATER RESOURCES Order Nbr 144611

Southern Region

Publication	Times News		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	180.13
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	180.13
Fax			
Section	Legals	Start/End Dates	10/05/2023 - 10/12/2023
SubSection		Insertions	2
Category	50 Legal	Size	97
Ad Key	144611-1	Salesperson(s)	Legal Notices
Keywords	TRANSFER NO. 87938 & 88521	Taken By	James Meadows - NWI
Notes			

Ad Proof

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MATHEW WEAVER, Director
Publish: October 5, 12, 2023

Proof of legal notice received from Times News 9/28/2023

✓ OK DM 9/29/2023