

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 89619**

This is to certify that: AUSTIN SHEA
PO BOX 1134
HAILEY, ID 83333-1121

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>
37-22066	WR/DECREED	6/1/1883	0.200 cfs	N/A	N/A	9.4	CROY CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-22066	NO	YES	NO	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>
37-22066	37-22066	0.200 cfs	N/A	N/A	9.4	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.200 cfs	N/A	N/A	9.4		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 9th day of May, 2025.


Southern Region Manager

WATER RIGHT NO. 37-22066

As Modified by Transfer No. 89619

In accordance with the approval of Transfer No. 89619, Water Right No. 37-22066 is now described as follows:

Right Holder: AUSTIN SHEA
PO BOX 1134
HAILEY, ID 83333-1121

Priority Date: 6/1/1883

Source: GROUND WATER

Tributary: CROY CREEK

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

0.200 cfs

0.200 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NWNE

Sec 36 Twp 02N Rge 17E 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	
02N	17E	25															8.9		8.9
02N	17E	36		0.5															0.5

POU Total Acres: 9.4

CONDITIONS OF APPROVAL

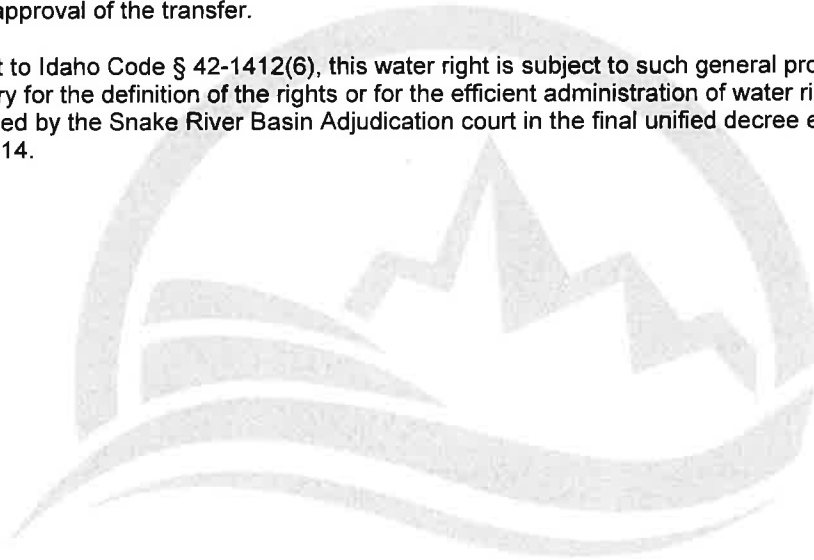
1. The new groundwater diversion authorized by approval of this transfer (# 89619) shall be located within 10 feet of Croy Creek and shall not exceed a maximum depth of 18 feet below the land surface.
2. Diversion of groundwater is limited to those times water is available for diversion under this right and priority from Croy Creek.
3. Rights 37-22066, 37-22068 and 37-22070 when combined shall not exceed the irrigation of 9.4 acres.
4. 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.
5. 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).

Transfer No. 89619

WATER RIGHT NO. 37-22066
As Modified by Transfer No. 89619

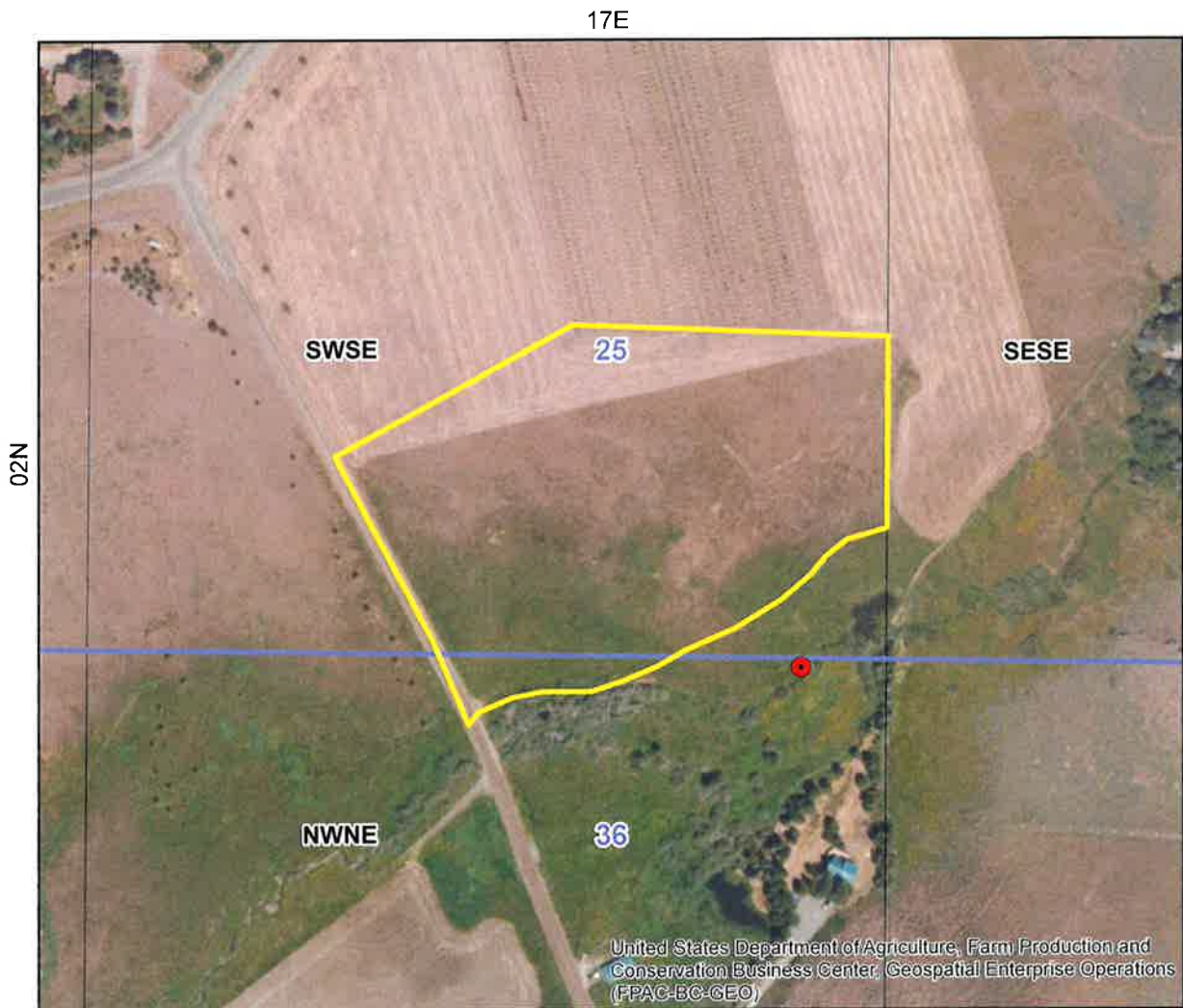
CONDITIONS OF APPROVAL

6. Any transfer of the point of diversion described under this right will require the right holder to provide evidence that the new point of diversion has a direct and immediate hydraulic connection to Croy Creek.
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.



State of Idaho
Department of Water Resources
Attachment to Transfer # 89619
37-22066

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



0 0.035 0.07 0.14 Miles

-  Point of Diversion
-  Place Of Use 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

May 12, 2025

AUSTIN SHEA
PO BOX 1134
HAILEY ID 83333-1121

Re: Transfer No: 89619
Water Right No(s): 37-22066

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:

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

CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2025 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.: 89619
Water Right No(s): 37-22066

AUSTIN SHEA
PO BOX 1134
HAILEY ID 83333-1121

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.

Skinner, Corey

From: austin shea <austin.k.shea@gmail.com>
Sent: Friday, May 9, 2025 8:52 AM
To: Skinner, Corey
Subject: Amendment to POD App - 115 Rock Creek
Attachments: Adjusted Map for POD_115 Rock Creek Rd.png

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Good Morning Corey,

Per our phone conversation, I would like to amend the POD Transfer Application for water right 37-22066 with the following:

Please see the amended map attached in this email. The actual new POD will be in NWNE of Section 36. The correct new POD is indicated by the red dot in NWNE in Section 36.

Please let me know if you need anything else to get the application approved, and I very much appreciate all your help/time during this process.

Best and thanks!

Austin Shea
415-602-9958



MEMORANDUM

Date: April 9, 2025
To: Transfer 89619 File
From: William Mills
Re: Evaluation of Sufficiency of Information Submitted

Application proposes changing the point of diversion (POD) for a 9.4 acre Croy Creek irrigation water right (0.20 cfs). Current POD is located approximately 3.8 miles west and 3.7 miles south of the intersection of Croy Creek Rd and Hwy 75 in Hailey. The transfer proposes moving the POD to a shallow ground water diversion (no more than 18' deep) within 10' of Croy Creek and will be located approximately 3.0 miles west and 3.4 miles south of the intersection of Croy Creek Rd and Hwy 75 in Hailey.

An analysis of hydraulic connectivity between the proposed ground water diversions and Croy Creek was provided with the application. The included hydrologic analysis indicated that there is a hydrologic connection between the ground water diversion and Croy Creek. According to the analysis provided with the transfer application "pumping from a groundwater tributary within 10 ft of Croy Creek would likely result in a stream depletion proportion (q/Q) > 0.50 within 1 day $> \sim 0.90$ after about 20 days." The Department's Hydrology section also performed independent analysis and reviewed the Applicant's depletion analysis. The Department's hydrology analysis indicated that the Department's "guideline of a 0.50 depletion ratio within 24 hours," "is a reasonably likely outcome."

Current and proposed PODs and the place of use are located in Water District 37 and Watermaster comments were solicited, and no comments were received.

- **Authority to File:**
IDWR records indicate the applicant currently owns the water right in this transfer and the associated property.
- **Water Right Validity:** Water Right 37-22066 was decreed in the SRBA on 11/30/2010. The place of use appears to be irrigated in recent aerial imagery.
- **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 use is recognized as a beneficial use 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

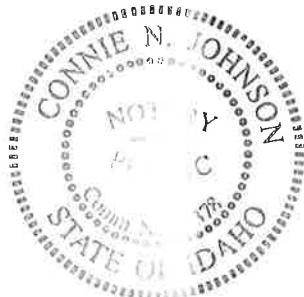
State of Idaho
County of Blaine

Pam Morris, being first duly sworn, deposes and says that she is the 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 more than seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by the laws of the State of Idaho, and 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 19 day of March, 2025, and the date of the last publication was on the 26 day of March, 2025, and, in addition thereto, the annexed advertisement was published beginning on the 17 day of March, 2025, digitally on the website "idnewspaper.idahopublicnotices.com" as provided by Idaho Code 60-160A.

Pam Morris
PUBLISHER

Subscribed and sworn to before me this 26 day of March, 2025.

Connie N. Johnson
NOTARY PUBLIC
Residing at Hailey, Idaho.
My commission expires on 7/10/2030



RECEIVED
MAR 28 2025

DEPT. OF WATER RESOURCES
SOUTHERN REGION

COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 55
Number of Insertions 2

55 Lines tabular at _____ 9.0 cents/pica
55 Lines straight at \$50.60 8.0 cents/pica
55 Subsequent lines at \$44.28 7.0 cents/pica

\$94.88
TOTAL COST

COPY OF NOTICE

Legal Notice
TITLE OF NOTICE
IDWR
BILL TO

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 89619

AUSTIN SHEA, PO BOX 1134, HAILEY, ID 83333-1121 has filed Application No. 89619 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22066; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterri-ghts/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the point of diversion (POD) for a 9.4 acre Croy Creek irrigation water right (0.20 cfs). Current POD is located approximately 3.8 miles west and 3.7 miles south of the intersection of Croy Creek Rd and Hwy 75 in Hailey. The transfer proposes moving the POD to a shallow ground water diversion (no more than 18ft deep) within 10ft of Croy Creek and will be located approximately 3.0 miles west and 3.4 miles south of the intersection of Croy Creek Rd and Hwy 75 in Hailey. An analysis of hydraulic connectivity between the proposed ground water diversions and Croy Creek was provided with the application.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. 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 April 7, 2025. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

PUBLISH
IDAHO MOUNTAIN EXPRESS
MARCH 19 & 26, 2025

✓ DM 4/1/2025