

Keen, Shelley

From: Skinner, Corey
Sent: Tuesday, November 5, 2024 4:40 PM
To: Keen, Shelley
Cc: Ajeti, Sara; Baxter, Garrick; Maline, Denise; Hersley, Jean
Subject: FW: New City of Hagerman Draft Transfer Approval
Attachments: DRAFT AMENDED Approval.pdf

Shelley,

Denise just e-mailed you a Notice of Withdrawal of Request for Hearing from Travis Thompson. I noticed that Travis did not include the draft approval document that I e-mailed him, which is attached to this e-mail. Note that nothing has been changed in Workflow yet, and our computer records still reflect the original approval. We may need to visit on how to coordinate this process. For reference, Travis's e-mail serves as step 3 of the 4-step process that Sara outlined in her October 4th e-mail to us.

Corey

From: Skinner, Corey
Sent: Monday, November 4, 2024 9:33 AM
To: tthompson@martenlaw.com
Subject: New City of Hagerman Draft Transfer Approval

Travis,

Sorry it took a while to get back to you on this. There was a little bit of fitting a square peg into a round hole with creating the draft approval document. Anyways, I think the attached document should be what you are after. Page 5 of the draft approval shows the proposed municipal right from Florence Livestock Spring.

If the city agrees with the draft approval, then they can file a *Motion to Withdraw the Petition for Hearing*. They can indicate on the motion that they are withdrawing the petition so long as the draft approval with the limiting conditions will be issued as the final approval.

Corey

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85491**

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

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

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

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

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

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-15538	NO	NO	YES	NO	NO	NO
36-49	YES	NO	YES	NO	YES	YES

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
36-15538	36-15538	0.360 cfs	N/A	36.0	140.0	N/A	N/A	N/A	N/A	N/A
36-49	36-17193	1.000 cfs	145.9 af	N/A	N/A	36-49	5.160 cfs	N/A	N/A	140.0
COMBINED TOTALS		N/A	N/A	N/A	N/A		N/A	N/A	N/A	N/A

Transfer No. 85491

DRAFT

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85491**

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this _____ day of _____

Southern Region Manager

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

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

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

Priority Date: 4/1/1900

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

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

LOCATION OF POINT(S) OF DIVERSION

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

PLACE OF USE: DOMESTIC

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

PLACE OF USE: IRRIGATION

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

POU Total Acres: 140.0

PLACE OF USE: STOCKWATER

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

CONDITIONS OF APPROVAL

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

Transfer No. 85491

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

CONDITIONS OF APPROVAL

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

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

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

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

Priority Date: 4/1/1900

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

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

LOCATION OF POINT(S) OF DIVERSION

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

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Hagerman municipal water supply system as provided for under Idaho Law.
2. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
3. The use of water under this right from 12/01 - 2/14 is subordinated to rights with priority dates before January 1, 2000.
4. During the period of use of 12/01 – 2/14, when the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the consumptive uses authorized by this right. The minimum stream flow water rights are 5,600 cfs from November 1 through March 31. See IDAPA 37.03.08.030.
5. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 36A.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Transfer No. 85491

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

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

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

Priority Date: 4/1/1964

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

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

LOCATION OF POINT(S) OF DIVERSION

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

PLACE OF USE: IRRIGATION

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

Right Acre Limit: 36.0
 POU Total Acres: 140.0

CONDITIONS OF APPROVAL

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

Transfer No. 85491

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

CONDITIONS OF APPROVAL

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

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

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

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

Priority Date: 6/1/1969

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

BENEFICIAL USE
 FISH PROPAGATION

From 1/01 **To** 12/31

Diversion Rate
 6.800 cfs
 6.800 cfs

LOCATION OF POINT(S) OF DIVERSION

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

PLACE OF USE: FISH PROPAGATION

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

CONDITIONS OF APPROVAL

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

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

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

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

Priority Date: 4/1/1958

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

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

LOCATION OF POINT(S) OF DIVERSION

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

PLACE OF USE: COMMERCIAL

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

CONDITIONS OF APPROVAL

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

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

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

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

Priority Date: 11/4/1885

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

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

LOCATION OF POINT(S) OF DIVERSION

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

PLACE OF USE: IRRIGATION

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

Right Acre Limit: 104.0

POU Total Acres: 140.0

CONDITIONS OF APPROVAL

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

Transfer No. 85491

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

CONDITIONS OF APPROVAL

5. Right includes accomplished change in point of diversion pursuant to section 42-1425, Idaho Code.
6. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.