

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 85374
RECEIVED

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

OCT 04 2021

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Aspen Lakes Canal Co c/o James P. Speck

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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OCT 04 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Aspen Lakes Canal Co c/o James P. Speck Phone 208-726-4421
Mailing address P.O. Box 987 Ketchum, ID 83340 Email jim@speckandaanestad.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Charles G. Brockway Phone 208-736-8543
Mailing address 2016 Washington St. N Suite #4 Twin Falls, ID 83301 Email charles.g.brockway@brockwa

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

[Signature]
Signature of Applicant or Authorized Representative

Richard Paul Buss
Print Name and Title if applicable

09/21/2021
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Change in source.
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
Applicant seeks to change source of existing Big Wood River irrigation water rights to ground water as lateral migration in river precludes diversion of existing surface water rights by applicant. Both existing and proposed sources are hydraulically connected and meet IDWR change in source criteria. See attached narrative.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	37-557	1.0 /	Irrigation	4/01 to 11/01	Ground Water
☒ ☐	37-558	2.0 /	Irrigation	4/01 to 11/01	Ground Water
☒ ☐	37-559	3.6 /	Irrigation	4/01 to 11/01	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 6.6 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 6.6 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Yes	2		NW	NE	5	02N	18E	BLAINE	GROUND WATER	NEW SUMP #1
Yes	2		NW	NE	5	02N	18E	BLAINE	GROUND WATER	NEW SUMP #2

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☒ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
New ground water sump will divert water into existing infrastructure to allow reliable diversion of existing irrigation water rights. Existing and proposed diverting works will be lockable and controllable.

- b. Who owns the property at the point(s) of diversion? Richard Paul Buss, Co-Trustee, Chair of Aspen Lakes Canal Co.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Consent from Mr. Buss in the form of signature of this application.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☒ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
None.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
None.

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

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

N/A.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-557

Current Owner: ASPEN LAKES CANAL CO
Priority Date: 5/15/1884
Origin: Water Right
Status: Active
Basis: Decreed

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

4/01 to 11/01

Diversion Rate

1 CFS

Annual Volume

Total Diversion

1 CFS

Location of Point(s) of Diversion

BIG WOOD RIVER

SE1/4SW1/4

Sec. 32,

Twp 03N,

Rge 18E B.M.

BLAINE County

BIG WOOD RIVER

NE1/4NW1/4

Sec. 5,

Twp 02N,

Rge 18E B.M.

BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T02N R18E S5	Lot 1	NENE	12.00	T02N R18E S5	Lot 2	NWNE	38.00
T02N R18E S5		SWNE	23.00	T02N R18E S5		SENE	25.00
T02N R18E S5	Lot 3	NENW	1.60	T03N R18E S32		SESW	12.00
T03N R18E S32		SWSE	14.00				

Total Acres: 125.6

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 125.6 acres in a single irrigation season. Combined Right Nos.: 37-557, 37-558 & 37-559.
2. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
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 lands in the place of use.
5. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

Page _____ of _____

Decreed Date: 5/2/2011

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-558

Current Owner: ASPEN LAKES CANAL CO
Priority Date: 6/1/1886
Origin: Water Right
Status: Active
Basis: Decreed

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

4/01 to 11/01

Diversion Rate

2 CFS

Annual Volume**Total Diversion**

2 CFS

Location of Point(s) of Diversion

BIG WOOD RIVER

SE1/4NE1/4NW1/4

Sec. 5, Twp 02N, Rge 18E B.M.

BLAINE County

BIG WOOD RIVER

NE1/4SE1/4SW1/4

Sec. 32, Twp 03N, Rge 18E B.M.

BLAINE County

Place of Use**IRRIGATION Within BLAINE County**

T02N R18E S5	Lot 1	NENE	12.00	T02N R18E S5	Lot 2	NWNE	38.00
T02N R18E S5		SWNE	23.00	T02N R18E S5		SENE	25.00
T02N R18E S5	Lot 3	NENW	1.60	T03N R18E S32		SESW	12.00
T03N R18E S32		SWSE	14.00				

Total Acres: 125.6

Conditions of Approval:

1. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. This right when combined with all other rights shall provide no more than 3.5 cfs per acre at the field headgate for irrigation of the lands in the place of use.
3. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. E56 The rights listed below are limited to the irrigation of a combined total of 125.6 acres in a single irrigation season. Combined Right Nos.: 37-557, 37-558 & 37-559.
5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
6. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

Page _____ of _____

Decreed Date: 5/2/2011

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-559

Current Owner: ASPEN LAKES CANAL CO
Priority Date: 6/1/1888
Origin: Water Right
Status: Active
Basis: Decreed

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

4/01 to 11/01

Diversion Rate

3.6 CFS

Annual Volume**Total Diversion**

3.6 CFS

Location of Point(s) of Diversion

BIG WOOD RIVER

NE1/4SE1/4SW1/4

Sec. 32, Twp 03N, Rge 18E B.M.

BLAINE County

BIG WOOD RIVER

SE1/4NE1/4NW1/4

Sec. 5, Twp 02N, Rge 18E B.M.

BLAINE County

Place of Use**IRRIGATION Within BLAINE County**

T02N R18E S5	Lot 1	NENE	12.00	T02N R18E S5	Lot 2	NWNE	38.00
T02N R18E S5		SWNE	23.00	T02N R18E S5		SENE	25.00
T02N R18E S5	Lot 3	NENW	1.60	T03N R18E S32		SESW	12.00
T03N R18E S32		SWSE	14.00				

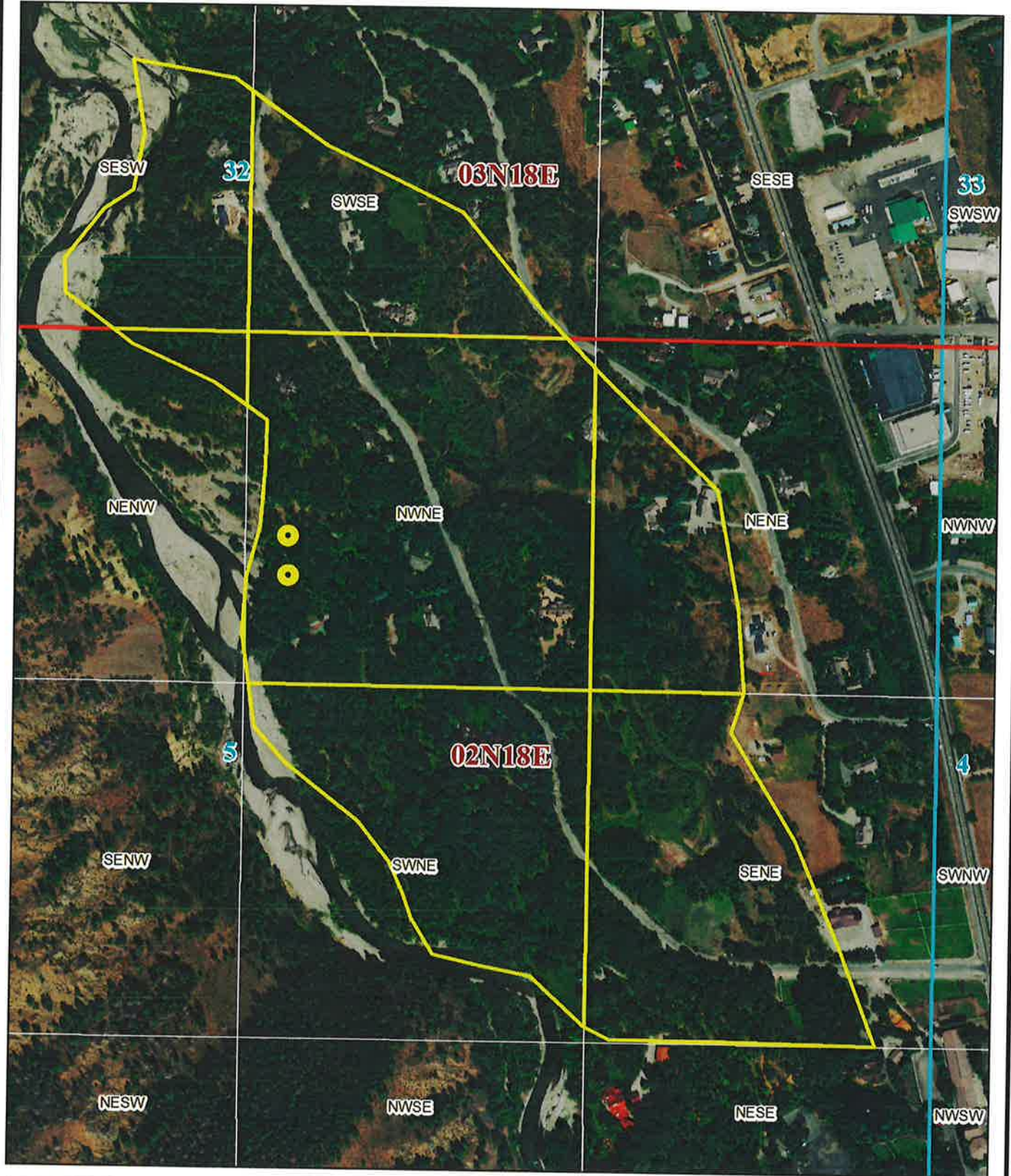
Total Acres: 125.6

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 125.6 acres in a single irrigation season. Combined Right Nos.: 37-557, 37-558 & 37-559.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
3. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
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 lands in the place of use.
5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
6. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

Page _____ of _____

Decreed Date: 5/2/2011



ATTACHMENT #7A

ASPEN LAKES CANAL COMPANY

NAIP 2019 AERIAL

BROCKWAY ENGINEERING, PLLC.
JJJ - Date: 9/21/2021

- Legend
- Proposed POD
 - 37-559
 - 37-558
 - 37-557



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 85374

**APPLICATION FOR TRANSFER OF WATER RIGHT
ATTACHMENT WSB:
TRANSFERRING WATER RIGHTS LEASED TO THE WATER SUPPLY BANK**

Approval of a transfer application will not impact the terms of a Water Supply Bank Lease Contract. Any transferred water right or portion of a water right that is leased to the Water Supply Bank (Bank) shall remain unused while the lease is active.

If the transfer proposes to relocate the place of use of an irrigation water right, and the relocated acres include land currently idled due to a Bank lease contract, the applicant is required to identify the areas that will be idled at the new place of use for the duration of the lease contract. The acres to be idled should be clearly identified on the map created for Attachment 7B of the transfer application. The applicant should confirm the map is attached when completing the table below. If the leased portion of the place of use is not proposed to be relocated, a map is not required.

A Bank lease contract shall remain in effect until it expires, a new lease proposal is processed to replace it, or the water right is released from the Bank through written confirmation issued by the Water Resource Board. If the proposed transfer is approved, the water right owner will be provided sufficient time to allow the lease contract to expire before beneficial use of water at the new place of use will be expected. Meanwhile, water rights leased to the Bank are protected from forfeiture for the duration of the lease contract.

Water right owners who would like to adjust the terms of their lease contracts can either submit a new lease proposal on an [Application to Lease a Water Right to the Water Supply Bank](#) form, or they can request early termination of their lease contracts by completing a [Request to Release a Water Right from the Water Supply Bank](#) form. If a water right is leased to the Bank, and it is currently being rented from the Bank, the lease cannot be reduced or terminated until the rental agreement concludes. A request to release a water right or to submit a new lease application should be sent to the Department's state office. To find out if there are any rentals associated with a leased water right, please call a Bank representative at the Department at 208-287-4800.

In the table below, please provide the requested information for any water right that is both proposed for transfer and leased to the Bank. The information needed to complete this table can be found in your Bank lease contract. A copy of your lease contract can be obtained using the 'Search Water Rights' option on the Department's internet page at www.idwr.idaho.gov or by contacting any Department office.

Water Right Number	Lease Contract Expiration Date	Water Right Quantities Leased to the Bank			Map Attachment 7B Clearly Identifies Idled Place of Use at New Location
		Rate (cfs)	Volume (AF)	Acres	
37-557	12-31-2021	1.0	Not Stated	125.6	Attached? ☐ or No Change ☒
37-558	12-31-2021	2.0	Not Stated	125.6	Attached? ☐ or No Change ☒
37-559	12-31-2021	3.6	Not Stated	125.6	Attached? ☐ or No Change ☒
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐

Is the ownership of the water right(s) leased to the Bank being changed? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).

Additional Information:

Applicant will likely re-lease all portions of all rights listed above for the 2022-2026 irrigation seasons and re-rent the same portion of 37-559 as previously done under approved WSB Contract No.228 (2018).

Agency Use Only: Personnel processing transfer applications should forward a copy of this attachment, the original Lessor Designation form and/or IRS Form W-9, if received, to the State Office.



Aspen Lake Canal Co. - Stream Depletion Analysis for Water Right Transfer

To: Mr. Corey Skinner, IDWR Southern Region Manager
From: Zach Latham, M.S., Hydrologist
Cc: Mr. Paul Buss, Mr. Jim Speck
Date: September 21, 2021
Re: Stream Depletion Analysis for Water Right Transfer

This memo serves as a stream depletion analysis for the water right transfer application being filed on behalf of the Aspen Lakes Canal Company (Company) by Brockway Engineering. The transfer application seeks to divert Big Wood River water rights 37-557, 37-338 and 37-559 from a proposed shallow sump on the property owned by Mr. Paul Buss (Company President) in T.2N R.18E Sec.5 NW ¼ NE ¼. Lateral movement of the Big Wood River to the west in 2017, away from the Company's two existing points of diversion (POD's), precludes diversion of the rights at the Company's diversion and delivery to the water rights' place of use (POU). Since that time, water has been able to be re-directed toward the POD's through emergency stream alteration permits and Joint Application for Permits. Temporary in-stream work to re-direct flows towards the Company's existing POD's is will no longer be authorized by the U.S. Army Corps of Engineers and therefore a permanent diversion solution is warranted.

A new shallow sump less than 18ft deep is proposed to be located approximately 70' from the Big Wood River channel bottom, on Mr. Buss's property. This distance has been field verified by Brockway Engineering. Mr. Buss is the president of the Company and has consented to the location and construction of the proposed POD. The new POD will be connected to the existing pressurized and gravity conveyance systems that distribute irrigation water to the three irrigation water rights' POU. Currently, 37-557 is leased to the Water Supply Bank (WSB) through the end of 2021 and the Company is renting the 1.0 cfs flow rate back in order to irrigate 36.6 acres. 37-558 and 37-559 have also been leased to the WSB since January 2017 and their contract ends at the end of 2021. Water rights 37-557, 37-558 and 7-559 are authorized to divert 1.0, 2.0 and 3.6 cubic feet per second (cfs) respectively from the Big Wood River for the irrigation of 125.6 combined acres.

A stream depletion analysis using IDWR's spreadsheet tool was performed to determine the portion of water supplied to each well by the Big Wood River using the Glover and Balmer method¹. IDWR Administrator's Memorandum Transfer Processing No. 24 titled Transfer Processing Policies & Procedures, dated December 21, 2009 states, "The ground water and surface water sources must have a direct and immediate hydraulic connection (at least 50 percent depletion in original source from depletion at the proposed point of diversion in one day)."

¹ Glover, R. E. and C. G. Balmer (1954) "River depletion resulting from pumping a well near a river". Am. Geophys. Union Trans. v. 35. pt. 3, pp. 468-470.

Eight well logs exist in and around neighboring properties in T.2N R.18E Sec.5 NW ¼ and SW ¼ of the SE ¼ (adjacent to the Company's POU) were used for this analysis and are attached. These wells are both perforated and non-perforated and are drilled into gravels, sands, clays and boulders; the wells' yields have been reported to be between 0.04 – 0.33 cfs (20-150 gpm). The surrounding well logs contain data required for aquifer parameter estimations and stream depletion analysis calculations were done using IDWR's spreadsheet tool provided to Brockway Engineering by Mr. Mike McVay.

The local aquifer appears to be approximately 111 – 117 feet deep per the surrounding well logs. Aquifer depths were calculated as the difference between the bottom of the aquifer (assumed to be 120' below ground surface as no well logs were drilled into bedrock) and the static water level in the well. A storativity (specific yield) value of 0.20² was used, representing soil types reported in the well logs in the area.

This analysis resulted in an average transmissivity value of 28,572 ft²/day using data from the eight surrounding well logs. An average hydraulic conductivity value of 247.4 ft/day was also calculated using values reported on the same surrounding eight well logs. These transmissivity and conductivity values were calculated using transmissivity estimation³ with effects of a partial penetration method⁴ (see attached analysis summary sheet). The IDWR calculated transmissivity (28,303 ft²/day) and average conductivity (247.4 ft/day) values used in the stream depletion analysis are also within the range of published values for the type of alluvial material indicated by the well logs.

The resulting analysis using the IDWR spreadsheet tool (attached) indicates that approximately 89.5% of the proposed stream depletion rate and 80.7% of the proposed stream depletion volume from the Applicant's proposed well originates from the Big Wood River within a 24-hour period. Therefore, the analysis results exceed the 50% in 24 hour stream depletion rate and volume criteria set forth by IDWR Water Right Transfer Processing Memo No. 24. Because the new point(s) of diversion will be directly adjacent to the existing Big Wood River diversion, the groundwater diversion is not anticipated to impact existing minimum stream flows in the Big Wood River. The transfer will not result in an enlargement of diversion rate, volume, or consumptive use associated with the applicant's water rights and is therefore approvable by IDWR.

Because the Department has frequently questioned the supporting data and analyses provided by Brockway Engineering for stream depletion analyses, a sensitivity analysis was performed to assess the effect of different values of hydraulic conductivity, storativity, and distance to the stream boundary. The attached spreadsheet demonstrates that the source change meets the Department's criteria for all reasonable values of every parameter. Therefore, there is no justification for the Department to expend public resources preparing its own independent analysis. It is requested that the Department accept Brockway Engineering's analysis, which is based on adequate data and accepted methodologies.

² Bartolino, J.R., and Adkins, C.B., 2012, Hydrogeologic framework of the Wood River Valley aquifer system, south-central Idaho: U.S. Geological Survey Scientific Investigations Report 2012-5053, 46 p.

³ Bradbury, K.R., and E.R. Rothschild, (1985) "A computerized technique for estimating the hydraulic conductivity of aquifers from specific capacity data" *Ground Water*, v.23, no.2, pp. 240-246.

⁴ Sternberg, Y.M., (1973) "Efficiency of partially penetrating wells". *Groundwater* v.11 no.3 pp5-8.

Transmissivity Estimation with Partial Penetration

Bradbury and Rothschild (1985) specific capacity method.

Suitable for situations where a single time and drawdown measurement is available.

Includes effects of partial penetration using Stenberg (1973) approach.

Enter data in blue, pay attention to units. Vary "Trial T" until equal to "Calc T".

Well No.	Name	Location*	Pumping Rate [gpm]	Drawdown [ft]	Time [min]	Well radius [in]	Storativity	SWL [ft]	Aquifer bottom [ft]	Avg open interval [ft]	Average aquifer thickness [ft]	Specific capacity	L/b	G	sp	Trial T (vary) [ft ² /d]	Calc T [ft ² /d]	Calc K [ft/d]	ln K
1	CHRIS PALMER	T.2N R.18E SEC 5 NWNE	75	46	60	3	0.2	9	120	1	111.0	1.6	0.01	2.88	353.5	17,952.1	17,952.1	161.7	5.09
2	EDWARD O'GARA	T.2N R.18E SEC 5 NWNE	150	54	60	3	0.2	6	120	1	114.0	2.8	0.01	2.88	365.9	31,669.8	31,669.8	277.8	5.63
3	KEE SEEGMILLER	T.2N R.18E SEC 5 NWNE	60	2	120	3	0.2	5	120	15	115.0	30.0	0.13	2.17	26.4	30,248.1	30,248.1	263.0	5.57
4	BRUCE WILLIS 1	T.2N R.18E SEC 5 SWNE	85	57	60	4	0.2	3	120	1	117.0	1.5	0.01	2.89	345.1	16,021.2	16,021.2	136.9	4.92
5	BRUCE WILLIS 2	T.2N R.18E SEC 5 SWNE	140	39	60	4	0.2	6	120	1	114.0	3.6	0.01	2.88	333.4	37,329.0	37,329.0	327.4	5.79
6	JOHN BIGGS	T.2N R.18E SEC 5 SWNE	50	45	120	3	0.2	5	120	1	115.0	1.1	0.01	2.88	370.1	12,806.3	12,806.3	111.4	4.7
7	JOHN GOODMANSON	T.2N R.18E SEC 5 SWNE	20	4	60	3	0.2	7	120	1	113.0	5.0	0.01	2.88	361.8	56,412.1	56,412.1	499.2	6.2
8	TOM SWENSON	T.2N R.18E SEC 5 SWNE	60	26	60	3	0.2	4	120	1	116.0	2.3	0.01	2.89	374.3	26,895.0	26,895.0	231.9	5.45

* From drilling records, corrected if needed based on water right records and/or aerial photo evidence.

Average = 114.4

Mean	28,666.7	251.2	5.4
Median	28,571.6	247.4	5.5
Max	56,412.1	499.2	6.2
Min	12,806.3	111.4	4.7
Std dev	14,070.1	124.9	0.5

Stream Depletion Analysis Tool

Read Me

Project Title

ALCC Big Wood River to GW

Definition of Variables

Calculation of Stream Depletion Rate & Volume

User Defined Input Variables

t =	1	duration of pumping (days)
K =	247.40	hydraulic conductivity (ft/day)
b =	114.40	saturated thickness (ft)
Sy =	0.20	specific yield in decimals (unitless)
a =	70.00	distance (ft)
Q =	6.60	pumping rate (ft ³ /s)

Calculated Input Variables

T =	28,303	transmissivity (ft ² /day)
Sy/T =	0.00000707	component of sdf (unitless) for observation only
Q =	570240	pumping rate (ft ³ /day)
Qt =	570240	pumped volume (ft ³)
	13.09	pumped vol (ac-ft)

Table Values

sdf =	0.0346	stream depletion factor (units of time)
t/sdf =	28.880	(unitless)
q/Q =	0.895	(unitless)
v/Qt =	0.807	(unitless)

Stream Depletion Rate

q =	5.909	stream depletion rate (ft ³ /s)
% Total =	89.5	contribution of total flow rate from stream (%)

Stream Depletion Volume

v =	460,035	vol. strm depletion (ft ³)
	10.5609	vol. strm depletion (ac-ft)
% Total =	80.7	contribution of total volume from stream (%)

Notes and Discussion

1. Hydraulic conductivity is reported as the average value based on 8 surrounding well logs.
2. Saturated thickness is reported as the average of the differences of the assumed aquifer bottom (120' bgs) and static water levels.
3. Distance reported is actual distance to river channel bottom from proposed new point of diversion.

Reference:

The Glover & Balmer method utilized in analysis is recreated in part from Jenkins, C.T., 1968. Book 4 Hydrologic Analysis and Interpretation Chapter D1 Computation of Rate and volume of Stream Depletion by Wells. Techniques of Water-Resources Investigations of the United States Geological Survey.

ALCC WATER RIGHT POD TRANSFER

Stream Depletion Analysis Scenarios

Brockway Engineering PLLC

9/21/2021

Analysis below using IDWR's stream depletion analysis spreadsheet. K and b estimated from surrounding well logs.

Time (d): t	Conductivity (ft/d): K	Sat. thickness (ft): b	Specific Yield: Sy	Distance (ft): a	Pumping Rate (cfs): Q	Stream Depletion Rate % Total	Stream Depletion Volume % Total
1	247.4	114.4	0.2	45	6.6	93.3	87.2
1	247.4	114.4	0.2	50	6.6	92.5	85.9
1	247.4	114.4	0.2	70	6.6	89.5	80.7
1	247.4	114.4	0.2	100	6.6	85.1	73.4
1	247.4	114.4	0.2	125	6.6	81.4	67.7
1	247.4	114.4	0.2	150	6.6	77.8	62.4
1	247.4	114.4	0.2	175	6.6	74.2	57.4
1	247.4	114.4	0.2	200	6.6	70.7	52.7
1	247.4	114.4	0.2	215	6.6	68.6	50.1

Time (d): t	Conductivity (ft/d): K	Sat. thickness (ft): b	Specific Yield: Sy	Distance (ft): a	Pumping Rate (cfs): Q	Stream Depletion Rate % Total	Stream Depletion Volume % Total
1	247.4	114.4	0.10	70	6.6	92.6	86.0
1	247.4	114.4	0.11	70	6.6	92.2	85.4
1	247.4	114.4	0.12	70	6.6	91.9	84.7
1	247.4	114.4	0.13	70	6.6	91.6	84.2
1	247.4	114.4	0.14	70	6.6	91.2	83.6
1	247.4	114.4	0.15	70	6.6	90.9	83.1
1	247.4	114.4	0.16	70	6.6	90.6	82.6
1	247.4	114.4	0.17	70	6.6	90.3	82.1
1	247.4	114.4	0.18	70	6.6	90.1	81.6
1	247.4	114.4	0.19	70	6.6	89.8	81.1
1	247.4	114.4	0.20	70	6.6	89.5	80.7
1	247.4	114.4	0.21	70	6.6	89.3	80.2
1	247.4	114.4	0.22	70	6.6	89.0	79.8
1	247.4	114.4	0.23	70	6.6	88.8	79.4
1	247.4	114.4	0.24	70	6.6	88.5	79.0
1	247.4	114.4	0.25	70	6.6	88.3	78.6
1	247.4	114.4	0.26	70	6.6	88.1	78.2
1	247.4	114.4	0.27	70	6.6	87.8	77.8
1	247.4	114.4	0.28	70	6.6	87.6	77.5
1	247.4	114.4	0.29	70	6.6	87.4	77.1
1	247.4	114.4	0.30	70	6.6	87.2	76.8

Time (d): t	Conductivity (ft/d): K	Sat. thickness (ft): b	Specific Yield: Sy	Distance (ft): a	Pumping Rate (cfs): Q	Stream Depletion Rate % Total	Stream Depletion Volume % Total
1	10	114.4	0.2	70	6.6	50.3	31.1
1	27	114.4	0.2	70	6.6	69.0	50.6
1	50	114.4	0.2	70	6.6	77.0	61.2
1	100	114.4	0.2	70	6.6	83.6	71.0
1	150	114.4	0.2	70	6.6	86.6	75.8
1	200	114.4	0.2	70	6.6	88.4	78.7
1	247.4	114.4	0.2	70	6.6	89.5	80.7
1	300	114.4	0.2	70	6.6	90.5	82.3
1	350	114.4	0.2	70	6.6	91.2	83.5
1	400	114.4	0.2	70	6.6	91.8	84.5
1	450	114.4	0.2	70	6.6	92.2	85.4
1	500	114.4	0.2	70	6.6	92.6	86.1
1	600	114.4	0.2	70	6.6	93.3	87.2



0004309109

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0004309109

Date Filed: 6/7/2021 4:46:55 PM

B0617-0570 06/07/2021 4:46 PM Received by ID Secretary of State Lawrence Denney

Entity Name and Mailing Address:

Entity Name: ASPEN LAKES CANAL COMPANY

The file number of this entity on the records of the Idaho Secretary of State is: 0000457022

Address: PO BOX 987
KETCHUM, ID 83340-0998

Entity Details:

Entity Status: Active-Good Standing

This entity is organized under the laws of: IDAHO

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: C150222

The registered agent on record is:

Registered Agent: JAMES P SPECK
Registered Agent
Physical Address
120 EAST AVE N.
KETCHUM, ID 83340
Mailing Address

Corporate Officers and Directors:

Name	Title	Business Address
Richard Paul Buss	President	7922 LA JOLLA SCENIC DRIVE NORTH LA JOLLA, CA 92037

The annual report must be signed by an authorized signer of the entity.

Job Title: President

Richard Paul Buss

Sign Here

06/07/2021

Date

2n 1984 state law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

93.

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

BOX 837
Firm Name BELLEVUE, ID 83313 Firm No. 265
Firm Official Ken Smith Date 9-18-95
and
Supervisor or Operator BOB McHenry Date 9-18-95
(Sign once if Firm Official & Operator)

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

JUL 20 1984

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

Department of Water Resources

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Tom Swenson</u> Address <u>Ketchum, Ida</u> <u>Well located at Flying Heart Ranch</u> Owner's Permit No. _____	7. WATER LEVEL Static water level <u>4</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ °F. Quality <u>Good</u> <i>Describe artesian or temperature zones below</i>																																														
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)	8. WELL TEST DATA ☐ Pump ☐ Bailer ☒ Air ☐ Other _____ <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> <tr> <td style="text-align: center;">60</td> <td style="text-align: center;">30</td> <td style="text-align: center;">1</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped	60	30	1																																								
Discharge G.P.M.	Pumping Level	Hours Pumped																																													
60	30	1																																													
3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)	9. LITHOLOGIC LOG <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Bore Diam.</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th colspan="2">Water</th> </tr> <tr> <th>From</th> <th>To</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>8</td> <td>0</td> <td>4</td> <td>Top soil</td> <td></td> <td>X</td> </tr> <tr> <td>8</td> <td>4</td> <td>18</td> <td>Gravel set in clay</td> <td></td> <td>X</td> </tr> <tr> <td>8</td> <td>18</td> <td>20</td> <td>" " " " " "</td> <td></td> <td>X</td> </tr> <tr> <td>6</td> <td>20</td> <td>24</td> <td>" " " " " "</td> <td></td> <td>X</td> </tr> <tr> <td>6</td> <td>24</td> <td>30</td> <td>Hard pan</td> <td></td> <td>X</td> </tr> <tr> <td>6</td> <td>30</td> <td>38</td> <td>Gravel and water</td> <td>X</td> <td></td> </tr> </tbody> </table>	Bore Diam.	Depth		Material	Water		From	To	Yes	No	8	0	4	Top soil		X	8	4	18	Gravel set in clay		X	8	18	20	" " " " " "		X	6	20	24	" " " " " "		X	6	24	30	Hard pan		X	6	30	38	Gravel and water	X	
Bore Diam.	Depth		Material	Water																																											
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6	20	24	" " " " " "		X																																										
6	24	30	Hard pan		X																																										
6	30	38	Gravel and water	X																																											
4. METHOD DRILLED ☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Dug ☐ Other _____	III 22 1987 051198 Department of Water Resources JUL 9 1987 Department of Water Resources Southern Region Office																																														
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>250 inches</td> <td>6 inches</td> <td>1 feet</td> <td>38 feet</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>20</u> Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Pudding clay ☐ _____ Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent ☐ Cemented between strata Describe access port _____		Thickness	Diameter	From	To	250 inches	6 inches	1 feet	38 feet													Number	From	To																							
Thickness	Diameter	From	To																																												
250 inches	6 inches	1 feet	38 feet																																												
Number	From	To																																													
6. LOCATION OF WELL Sketch map location <u>must</u> agree with MICROFILMED Subdivision Name <u>MAR 14 1988</u> Lot No. _____ Block No. _____ County <u>Blaine</u> <u>SW</u> $\frac{1}{4}$ <u>WE</u> $\frac{1}{4}$ Sec. <u>5</u>, T. <u>2</u> N/S, R. <u>18</u> E/W.	10. Work started <u>June 22, 87</u> finished <u>June 22, 87</u>																																														
11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>WOOD RIVER DRILLING AND PUMP</u> No. <u>265</u> Address <u>BOX 1165 788-3163</u> <u>HAILEY, IDAHO 83333</u> Date <u>7-7-87</u> Signed by (Firm Official) <u>Ken Smith</u> and (Operator) <u>May Jones</u>																																															



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

October 14, 2021

ASPEN LAKES CANAL CO
C/O JAMES P SPECK
PO BOX 987
KETCHUM, ID 83340

RE: Transfer No. 85374
Water Right No(s). 37-557, 37-558, 37-559

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the **IDAHO MOUNTAIN EXPRESS on 10/20/2021 and 10/27/2021**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **November 8, 2021**.

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

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

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

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

c: Brockway Engineering PLLC

Maline, Denise

From: Maline, Denise
Sent: Thursday, October 14, 2021 1:01 PM
To: Kevin Lakey (WD37)
Cc: Cyndi WD37
Subject: Comment Letter for Transfer Nos. 85369 & 85374
Attachments: Transfer 85369 Thunder Meadows Owners Assn.pdf; Transfer 85374 Aspen Lakes Canal Co..pdf; Comment letter to WD37 for 85369 & 85374.docx

Hi Kevin,

Attached are 2 applications for transfer currently being processed by the department. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding these applications, please feel free to contact our office.

Thank you in advance,

Denise @ IDWR

Denise Maline, Administrative Assistant I

Idaho Dept. of Water Resources

650 Addison Ave W Ste 500

Twin Falls ID 83301-5858

(208) 293-9908

denise.maline@idwr.idaho.gov



IDAHO DEPARTMENT OF

WATER RESOURCES

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

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Governor Brad Little

Director Gary Spackman

October 14, 2021

WATER DISTRICT 37
KEVIN D LAKEY
107 W 1ST
SHOSHONE, ID 83352

RE: Transfer No. 85369 (Thunder Meadows Owners Assn Inc.)

RE: Transfer No. 85374 (Aspen Lakes Canal Co.)

Dear Kevin:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, October 14, 2021 12:59 PM
To: Dawson,Bradley
Subject: Comment Letter for Transfer Nos. 85369 & 85374
Attachments: Comment letter to F&G for 85369 & 85374.docx; Transfer 85369 Thunder Meadows Owners Assn.pdf; Transfer 85374 Aspen Lakes Canal Co..pdf

Good afternoon,

Attached are 2 applications for transfer currently being processed by the department. Please review the applications and provide any necessary comments within 21 days.

If you have any questions regarding these applications, please feel free to contact our office at (208) 736-3033.

Thank you in advance,

Denise @ IDWR

Denise Maline, Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



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

October 14, 2021

IDAHO DEPT OF FISH & GAME
BRADLEY DAWSON
324 S 417 E STE 1
JEROME ID 83338-6206

RE: Transfer No. 85369 (Thunder Meadows Owners Assn Inc.)

RE: Transfer No. 85374 (Aspen Lakes Canal Co.)

Dear Mr. Dawson:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. *You can find a complete copy of the application(s) at:* <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days of the date of this letter.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication (**on or before November 8, 2021**).

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

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, October 14, 2021 12:14 PM
To: Idaho Mountain Express
Subject: LEGAL NOTICE
Attachments: Idaho Mtn Express cover letter.docx; Idaho Mtn Express ad.docx

Attached please find **(1)** legal notice being submitted for publication on October 20th & 27th, 2021. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline, Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



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

October 14, 2021

LEGAL NOTICE DEPARTMENT
IDAHO MOUNTAIN EXPRESS
PO BOX 1013
KETCHUM, ID 83340

RE: Transfer No. 85369
Water Right No(s). 37-387C

RE: Transfer No. 85374
Water Right No(s). 37-557, 37-558, 37-559

Dear Legal Notice Department:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before November 8, 2021. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85369**

THUNDER MEADOWS OWNERS ASSN INC, 110 MEADOWBROOK RD, HAILEY, ID 83333-5001 has filed Application No. 85369 for changes to the following water rights within BLAINE County(s): Right No(s). 37-387C. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to add a second point of diversion (POD) for an irrigation water right of 81 acres (1.62 cfs) from the East Fork Wood River. The location of the proposed POD is located approximately 3.4 miles south and 4.5 miles east of the center of Ketchum, Hwy 75, and Sun Valley Rd. The proposed POD will be located within the existing place of use approximately 65 feet downstream from the existing POD.

TRANSFER NO. 85374

ASPEN LAKES CANAL CO, C/O JAMES P SPECK, PO BOX 987, KETCHUM, ID 83340 has filed Application No. 85374 for changes to the following water rights within BLAINE County(s): Right No(s). 37-557, 37-558, 37-559. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the two points of diversion (PODs) for three Big Wood River irrigation rights (combined total 6.6 cfs and 125.6 acres). Current PODs are located approximately 0.25 miles north and 0.55 miles west, and 0.63 miles north and 0.60 miles west of the intersection of the south end of Aspen Lakes Dr. and Hwy 75 just north of Hailey. The transfer proposes moving the PODs to two new ground water diversions near the Big Wood River which are both located approximately 0.30 miles north and 0.50 miles west of the south end of Aspen Lakes Dr. and Hwy 75 just north of Hailey. An analysis of hydraulic connectivity between the proposed ground water diversions and the Big Wood River was provided with the application. No changes are proposed to the place of use.

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 research.idwr.idaho.gov/apps/waterrights/QueryNewTransfers. 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 **November 8, 2021**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on October 20th & 27th, 2021

MEMORANDUM

Date: October 7, 2021
To: Transfer 85374
From: William Mills
Re: Transfer Proposal

Application proposes changing the two points of diversion (PODs) for three Big Wood River irrigation rights (combined total 6.6 cfs and 125.6 acres). Current PODs are located approximately 0.25 miles north and 0.55 miles west, and 0.63 miles north and 0.60 miles west of the intersection of the south end of Aspen Lakes Dr. and Hwy 75 just north of Hailey. The transfer proposes moving the PODs to two new ground water diversions near the Big Wood River which are both located approximately 0.30 miles north and 0.50 miles west of the south end of Aspen Lakes Dr. and Hwy 75 just north of Hailey. An analysis of hydraulic connectivity between the proposed ground water diversions and the Big Wood River was provided with the application. No changes are proposed to the place of use.

The included hydrologic analysis indicated that there is a hydrologic connection between the ground water diversions and the Big Wood River. According to the analysis provided with the transfer application "approximately 89.5% of the proposed stream depletion rate and 80.7% of the proposed stream depletion volume from the Applicant's proposed" ground water diversions "originates from the Big Wood River within a 24-hour period." Department guidelines require at least a 50% reduction in the original source within a 24 hour period.

Current and proposed PODs and the place of use are located in Water District 37 and Watermaster comments will be solicited.

M E M O R A N D U M

Date: October 6, 2021
To: Transfer 85374
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #85374 were based on the on the current transfer fee schedule and included \$980.00 for the 6.6 cfs being transferred in the application. (Receipt No.S038862).

Mills, Bill

From: Mills, Bill
Sent: Wednesday, October 6, 2021 11:41 AM
To: Buyer, Remington
Cc: Condon, Mary
Subject: Transfer with Water Rights in Water Supply Bank
Attachments: WSB Transfer Attachment.pdf; Transfer application 85374.pdf

Remington,

This week Southern received a transfer application for Big Wood River water rights 37-557, 37-558 and 37-559 that are currently leased to the water supply bank. The application is seeking to change water source and points of diversion to ground water pods adjacent to the river. The transfer application indicates that the rights will remain in the bank and the applicant will continue to "re-rent" the portion of 37-559 that they rented under contract no. 228 (2018). I have attached the transfer application for you to look over if needed. I plan on forwarding this application for advertising next week unless anyone has any concerns that need to be addressed first. If you have any concerns let me know.

Thanks

Bill

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

**APPLICATION FOR TRANSFER OF WATER RIGHT
ATTACHMENT WSB:
TRANSFERRING WATER RIGHTS LEASED TO THE WATER SUPPLY BANK**

Approval of a transfer application will not impact the terms of a Water Supply Bank Lease Contract. Any transferred water right or portion of a water right that is leased to the Water Supply Bank (Bank) shall remain unused while the lease is active.

If the transfer proposes to relocate the place of use of an irrigation water right, and the relocated acres include land currently idled due to a Bank lease contract, the applicant is required to identify the areas that will be idled at the new place of use for the duration of the lease contract. The acres to be idled should be clearly identified on the map created for Attachment 7B of the transfer application. The applicant should confirm the map is attached when completing the table below. If the leased portion of the place of use is not proposed to be relocated, a map is not required.

A Bank lease contract shall remain in effect until it expires, a new lease proposal is processed to replace it, or the water right is released from the Bank through written confirmation issued by the Water Resource Board. If the proposed transfer is approved, the water right owner will be provided sufficient time to allow the lease contract to expire before beneficial use of water at the new place of use will be expected. Meanwhile, water rights leased to the Bank are protected from forfeiture for the duration of the lease contract.

Water right owners who would like to adjust the terms of their lease contracts can either submit a new lease proposal on an [Application to Lease a Water Right to the Water Supply Bank](#) form, or they can request early termination of their lease contracts by completing a [Request to Release a Water Right from the Water Supply Bank](#) form. If a water right is leased to the Bank, and it is currently being rented from the Bank, the lease cannot be reduced or terminated until the rental agreement concludes. A request to release a water right or to submit a new lease application should be sent to the Department's state office. To find out if there are any rentals associated with a leased water right, please call a Bank representative at the Department at 208-287-4800.

In the table below, please provide the requested information for any water right that is both proposed for transfer and leased to the Bank. The information needed to complete this table can be found in your Bank lease contract. A copy of your lease contract can be obtained using the 'Search Water Rights' option on the Department's internet page at www.idwr.idaho.gov or by contacting any Department office.

Water Right Number	Lease Contract Expiration Date	Water Right Quantities Leased to the Bank			Map Attachment 7B Clearly Identifies Idled Place of Use at New Location
		Rate (cfs)	Volume (AF)	Acres	
37-557	12-31-2021	1.0	Not Stated	125.6	Attached? ☐ or No Change ☒
37-558	12-31-2021	2.0	Not Stated	125.6	Attached? ☐ or No Change ☒
37-559	12-31-2021	3.6	Not Stated	125.6	Attached? ☐ or No Change ☒
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐

Is the ownership of the water right(s) leased to the Bank being changed? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).

Additional Information:

Applicant will likely re-lease all portions of all rights listed above for the 2022-2026 irrigation seasons and re-rent the same portion of 37-559 as previously done under approved WSB Contract No.228 (2018).

Agency Use Only: Personnel processing transfer applications should forward a copy of this attachment, the original Lessor Designation form and/or IRS Form W-9, if received, to the State Office.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

September 29th, 2021

Mr. Corey Skinner
Idaho Department of Water Resources
650 Addison Ave W, Ste 500.
Twin Falls, ID 83301-3380

RECEIVED
OCT 04 2021
DEPT OF WATER RESOURCES
SOUTHERN REGION

RE: Aspen Lakes Canal Co.- Water Right Transfer Application.

Dear Corey,

Enclosed is a water right transfer application filed in the name of Aspen Lakes Canal Co. (Applicant), which proposes to change the source of water associated with irrigation water rights 37-557, 37-338 and 37-559 from the Big Wood River to ground water. Westward lateral migration of the Big Wood River precludes diversion of these rights by the Applicant. Prior emergency Joint Application for Permits issued by the U.S. Army Corps of Engineers and IDWR have required a permanent solution be sought that does not require yearly excavation below ordinary high water to allow diversion of the rights. This filing seeks to allow reliable diversion of the rights from two shallow sumps without the need for continual in-stream diversion work.

The Stream Depletion Analysis (SDA) attached uses the IDWR spreadsheet tool provided to our office by Mr. Mike McVay. The 50% in 24 hour depletion as a function of both volume and flow rate are both met under the proposed point of diversion locations (70' east of the river bed) and therefore a change in source is approvable. A narrative and all calculations relating to the SDA are included.

Please copy our office and Brockway Engineering on all correspondence regarding this water right transfer application. Also included is a check for \$980.00 to cover the cost of the application. Don't hesitate to give me a call should you have any further questions or comments.

Regards,

Michael Ciserella for Zach Latham
Zach Latham, M.S., Hydrologist.

Enclosures: (1) Water Right Transfer Application and Map.
(1) Set of Supporting Documents.
(1) Brockway Engineering Check # 14603.

Cc: Aspen Lakes Canal Co. c/o Jim Speck

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

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FAX: 736•8506