

42-222 POD - 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUL 23 2021

DEPT. OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Mid Valley Water Company LLC Phone (208) 726-6560
 2. **MAILING ADDRESS** P.O. Box 4380 City Ketchum
 State ID Zip 83340 Email _____

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 37-8119

- ☒ Attach a copy of the water right(s) as recorded, available at [idwr.idaho.gov](#), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.97 cubic feet per second and/or 174 acre-feet per annum.
 (diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](#), *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		NE	SW	NE	31	4N	18E	Blaine	Groundwater	
		NE	NW	SE	31	4N	18E	Blaine	Groundwater	
		SE	NW	SE	31	4N	18E	Blaine	Groundwater	Primary well
		SE	NW	SE	31	4N	18E	Blaine	Groundwater	Backup well

AUG 13 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

6. 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:

Submersible pump, piping to wellhouse, valves in wellhouse.

- b. Who owns the property at the point(s) of diversion? PCP-Meadows Park LLC

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Lease (see letter)

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ 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.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Signature of applicant or authorized agent

Manager

Print name and title if applicable

8/4/21

Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by DM

Date 8.13.2021

Fee paid \$500.00 Date 8/5/2021

Received by SG

Receipt # 5038798

Preliminary review by DS

Date 8/17/21

Active in the Water Supply Bank? Yes ☐ No ☒

W-9 received? Yes ☐ No ☐

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

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8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

DocuSigned by:

George Kirk

George Kirk

Manager 7/19/2021

Signature of applicant or authorized agent

Print name and title if applicable

Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

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FOR DEPARTMENT USE ONLY

Transfer includes pages of attachments.

Received by SG

Date 7/23/21

Fee paid \$500.00 Date 8/5/21

Received by SG

Receipt # 5038748

Preliminary review by

Date

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐

Name on W-9

W-9 forwarded to fiscal? Yes ☐ No ☐

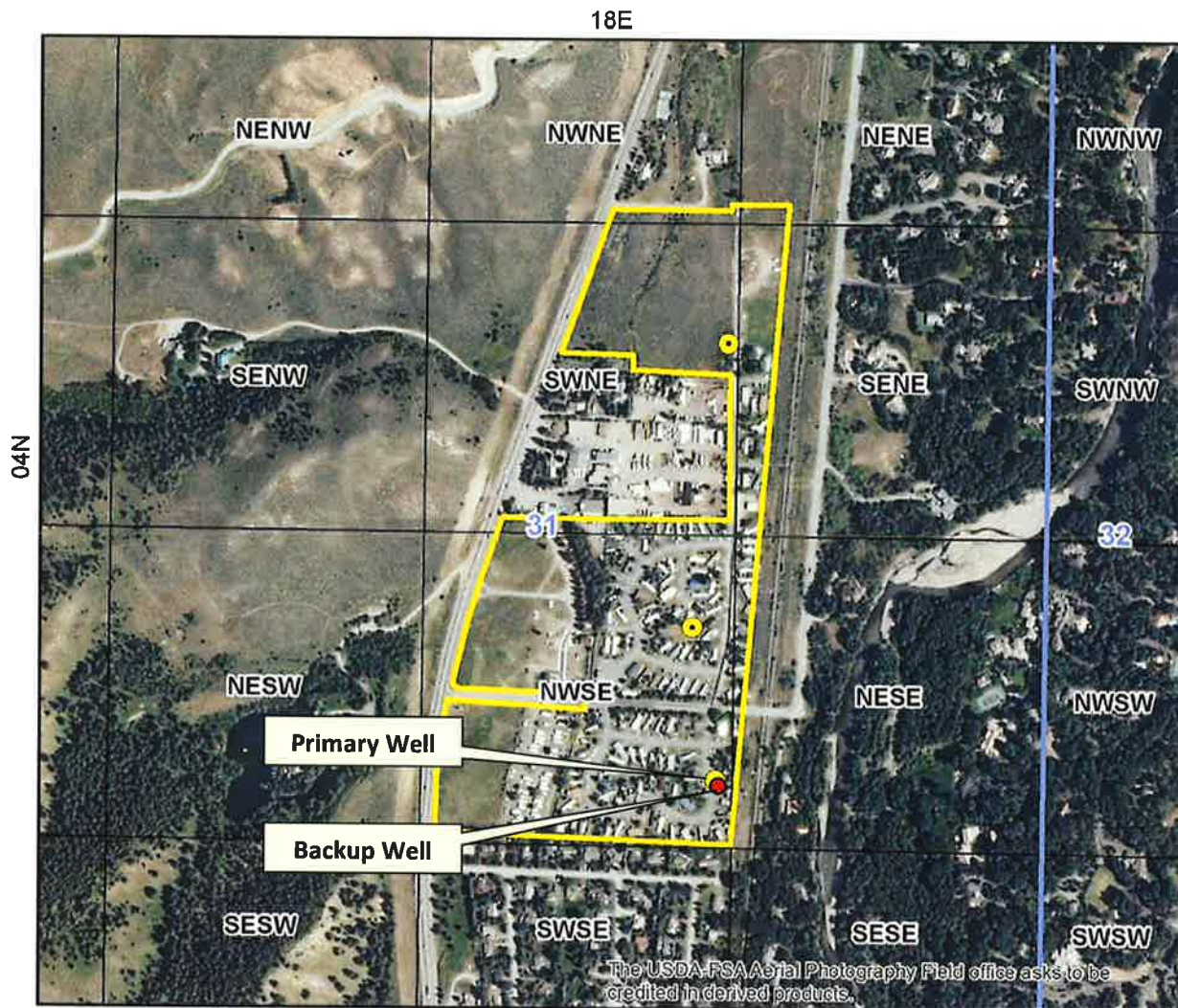
(Do NOT scan the W-9 – confidential information is held by fiscal only)

State of Idaho
Department of Water Resources

Water Right
37-8119

MUNICIPAL

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



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

85219





Water Right 37-8119. Photograph looking east toward the existing wellhouse on September 29, 2020.



TO: Idaho Department of Environmental Quality (IDEQ)

FROM: The Meadows Residential Community (PCP Equity)

Re: Mid Valley Water Company LLC; Redundant Domestic Well (MVW)

January 18, 2021

PCP-Meadows Park LLC has reviewed the "Site Plan showing existing features and proposed backup well location" prepared by Brockway Engineering and attests to the following:

- 1) PCP-Meadows Park LLC owns the property on which the existing well operated by MVW sits, subject to a lease with MVW.
- 2) PCP-Meadows Park LLC disallows any application of synthetic pesticides or herbicides within a 50-foot radius of the existing well, and will do the same within a 50-foot radius of the proposed redundant domestic well.

Sincerely,

PCP-MEADOWS PARK LLC
an Idaho limited liability company

By: PCP-MEADOWS LP
a California limited partnership
Its Member

By: Pacific Current Partners LLC
A California limited liability company
Its General Partner

By: Thomas Niederkofler

Name: Thomas Niederkofler

Title: Manager



0004198087

**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 #: 0004198087

Date Filed: 3/4/2021 4:23:00 PM

Entity Name and Mailing Address:

Entity Name: MID-VALLEY WATER COMPANY, LLC
The file number of this entity on the records of the Idaho Secretary of State is: 0000127535
Address: PO BOX 4380
KETCHUM, ID 83340-4380

Entity Details:

Entity Status: Active-Existing
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: W38364

The registered agent on record is:

Registered Agent: EDWARD A LAWSON
Registered Agent
Physical Address
675 SUN VALLEY RD STE A
KETCHUM, ID 83340
Mailing Address

Limited Liability Company Managers and Members

Name	Title	Business Address
GEORGE R KIRK	Manager	PO BOX 4380 KETCHUM, ID 83340

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

Job Title: Manager

GEORGE R KIRK

Sign Here

03/04/2021

Date

DUPLICATE - 0004198087 / 03/04/2021 4:23:00 PM RECEIVED BY ID SECRETARIAL CLERK LAWRENCE DENNEY



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

August 25, 2021

MID VALLEY WATER COMPANY LLC
PO BOX 4380
KETCHUM, ID 83340-4380

RE: Transfer No. 85219
Water Right No(s). 37-8119

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 **9/1/2021 and 9/8/2021**. 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 **September 20, 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



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

August 25, 2021

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

RE: Transfer No. 85219 (Mid Valley Water Company LLC)
RE: Transfer No. 85222 (Richard & Kathleen Gouley)

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: Wednesday, August 25, 2021 12:08 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 September 1st & 8th, 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 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

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Governor Brad Little

Director Gary Spackman

August 25, 2021

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

RE: Transfer No. 85219
Water Right No(s). 37-8119

RE: Transfer No. 85222
Water Right No(s). 37-2468B

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 September 20, 2021. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85219**

MID VALLEY WATER COMPANY LLC, PO BOX 4380, KETCHUM, ID 83340-4380 has filed Application No. 85219 for changes to the following water rights within BLAINE County(s): Right No(s). 37-8119. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes adding a new well to a municipal ground water right (0.97 cfs) to serve as a backup well for the delivery system. Place of use, proposed well and three existing wells are all located approximately 2.0 to 2.4 miles north and 0.0 to 0.2 miles west of the intersection of East Fork RD & HWY 75 in Hailey.

TRANSFER NO. 85222

RICHARD W GOULEY and KATHLEEN C GOULEY, 100 LEES GULCH RD, BELLEVUE, ID 83313-5091 has filed Application No. 85222 for changes to the following water rights within BLAINE County(s): Right No(s). 37-2468B. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the point of diversion (POD) for irrigation water right 37-2468B (0.05 cfs) which is currently authorized to divert water from Lee's Gulch at a point approximately 1.3 miles west and 0.2 mile south of the intersection of Gannett Road and Main Street in Bellevue. The proposed POD will be located approximately 0.3 mile downstream on Lee's Gulch.

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 **September 20, 2021**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on September 1st & 8th, 2021

M E M O R A N D U M

Date: August 16, 2021
To: Transfer 85219 File
From: William Mills
Re: Transfer Proposal

Application for transfer proposes adding a new well to a municipal ground water right (0.97 cfs) to serve as a backup well for the delivery system. Place of use, proposed well and three existing wells are all located approximately 2.0 to 2.4 miles north and 0.0 to 0.2 miles west of the intersection of East Fork RD & HWY 75 in Hailey. Place of use and points of diversion are located in Water District 37 and Watermaster comments will be solicited.

MEMORANDUM

Date: ~~January 3, 2020~~ Aug. 16, 2021
To: Transfer ~~83819~~ File
85219
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #85219 are based on the on the current transfer fee schedule. \$500.00 was paid for the 0.97 cfs requested to be transferred (Receipt No.S038748).

Skinner, Corey

From: Charles Brockway <charles.g.brockway@brockwayeng.com>
Sent: Friday, July 23, 2021 5:24 PM
To: Skinner, Corey
Cc: 'George Kirk'; 'Zach Latham'
Subject: POD transfer application 37-8119
Attachments: 37-8119 Application-for-transfer-POD-FLAT-Signed.pdf; Map for additional POD.pdf; Photo of wellhouse.pdf

Corey,

Please see attached application to add one (1) backup well as a point of diversion for water right 37-8119. This pertains to the existing public water system owned and operated by Mid Valley Water Company LLC. The backup well will be located at the existing wellhouse (see photo and map) and operated to supply in-house water in the event of an equipment failure on the primary well to avoid depressurization events. The well site and engineering has been approved by IDEQ.

I would request that this application be processed without advertisement due to the fact there will be zero impact to anyone.

The application fee of \$500 will be transmitted on Monday.

Thanks and have a good weekend,
Chuck

Charles G. Brockway, Ph.D., P.E.

Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, ID 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.