

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

84873

APR 01 2021

DEPT OF WATER RESOURCES
SOUTHERN REGIONMINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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) Tracy Dunlap/Steve GowerCheck 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

RECEIVED

APR 01 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Tracy Dunlap/Steve Gower Phone 208-727-7049
Mailing address P.O. Box 644 Bellevue, ID 83313 Email _____

- ☐ 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 Zach Latham, Brockway Engineering PLLC Phone 208-736-8543
Mailing address 2016 Wasington St. N Suite #4 Twin Falls, ID 83301 Email zach.latham@brockwayeng.c

- ☐ 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

TRACY DUNLAP
Print Name and Title if applicable

3/19/2021
Date

[Signature]
Signature of Applicant or Authorized Representative

STEVEN H. GOWER
Print Name and Title if applicable

3/19/2021
Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
2. 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**.
3. 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 transfer all water rights listed in this application to new uses at a new place of use in order to offset evaporation on existing storage pond when surface water rights 37-510A and 37-685D are out of priority. GW POD changes, SW POD does not change. See attached purchase and sale agreement as authorization to file.

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 ☒ ☐	37-21842	0.1 /	Diversion to Storage	04/15 to 10/31	Ground Water / NA
☒ ☐	37-21842	/ 11.6	Recreation Storage	01/01 to 12/31	Ground Water / NA
☒ ☐	37-21849	0.08 /	Diversion to Storage	04/15 to 10/31	Big Wood River / Malad R
☒ ☐	37-21849	/ 11.6	Recreation Storage	01/01 to 12/31	Big Wood River / Malad R
☒ ☐	37-21866	0.01 /	Diversion to Storage	04/15 to 10/31	Big Wood River / Malad R
☒ ☐	37-21866	/ 11.6	Recreation Storage	01/01 to 12/31	Big Wood River / Malad R
☒ ☐	37-21883	0.05 /	Diversion to Storage	04/15 to 10/31	Big Wood River / Malad R
☒ ☐	37-21883	/ 11.6	Recreation Storage	01/01 to 12/31	Big Wood River / Malad R
☐ ☐				to	

Total authorized under rights 0.375 cfs and/or 11.6 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.375 cubic feet per second and/or 11.6 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 #
NO		NE	SW	NW	36	02N	18E	BLAINE	BIG WOOD RIVER	DISTRICT 45 CANAL
YES		NW	NE	NE	13	01N	18E	BLAINE	GROUND WATER	EXISTING WELL

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	
01N	18E	13	Js			Js													
01N	18E	13	Ds			Ds													
Total Acres (for irrigation use)																			

*Js = Aesthetic Storage, Ds = Diversion to Storage

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:
Existing well will be metered and used to divert ground water under 37-21842 into existing storage pond.
Existing Wood River Valley Irrigation District #45 canal delivery system will convey water to existing storage pond.
- b. Who owns the property at the point(s) of diversion? Ground water- applicant.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Wood River Valley Irrigation District #45 Canal.
- 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: N/A.
- 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:
Irrigation of 5.0 acres at present place of use will no longer occur upon transfer approval.
- 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:
37-510A and 37-685D.
- 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:
All rights described in this application for transfer are currently leased to the water supply bank through
12/31/2025, see approved IDWR lease contract no. 1308.

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

Current Water Right No.: 37-21842

Current Owner: TRACY DUNLAP
STEVE GOWER
Priority Date: 9/25/1954
Origin: Water Right
Status: Water Supply Bank Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.1 CFS	17.5 AF
	<u>Total Diversion</u>	0.1 CFS	17.5 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4SW1/4 Sec. 7, Twp 01N, Rge 19E B.M.
BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T01N R19E S7 Lot 4 SWSW 5.00
Total Acres: 5

Conditions of Approval:

1. 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.
2. Right Nos. 37-21842, 37-21849, 37-21866, 37-21883, 37-21900 and 37-21917 are limited to the irrigation of a combined total of 5 acres in a single irrigation season.
3. Property is also known as Lot 3, Blk 1, Bellevue Farms Subdivision.
4. This right is a split from former right 37-2557.

Decreed Date: 9/24/2010

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

Current Water Right No.: 37-21849

Current Owner: TRACY DUNLAP
STEVE GOWER

Priority Date: 3/24/1883

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Diversion Rate

0.08 CFS

Annual Volume

Total Diversion

0.08 CFS

Location of Point(s) of Diversion

BIG WOOD RIVER

NE1/4SW1/4NW1/4

Sec. 36, Twp 02N, Rge 18E B.M.

BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T01N R19E S7 Lot 4 SWSW 5.00

Total Acres: 5

Conditions of Approval:

1. This right is a split from former right 37-577.
2. Property is also known as Lot 3, Blk 1, Bellevue Farms Subdivision.
3. Point of diversion described above is the headgate for District 45 canal.
4. Right Nos. 37-21842, 37-21849, 37-21866, 37-21883, 37-21900 and 37-21917 are limited to the irrigation of a combined total of 5 acres in a single irrigation season.
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.

Decreed Date: 3/31/2010

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

Current Water Right No.: 37-21866

Current Owner: TRACY DUNLAP
STEVE GOWER
Priority Date: 7/10/1884
Origin: Water Right
Status: Water Supply Bank Active
Basis: Decreed

Source

Tributary

BIG WOOD RIVER

MALAD RIVER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

04/15 to 10/31

0.005 CFS

Total Diversion

0.01 CFS

Location of Point(s) of Diversion

BIG WOOD RIVER

NE1/4SW1/4NW1/4

Sec. 36, Twp 02N, Rge 18E B.M.

BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T01N R19E S7 Lot 4 SWSW 5.00

Total Acres: 5

Conditions of Approval:

1. Right Nos. 37-21842, 37-21849, 37-21866, 37-21883, 37-21900 and 37-21917 are limited to the irrigation of a combined total of 5 acres in a single irrigation season.
2. Property is also known as Lot 3, Blk 1, Bellevue Farms Subdivision.
3. This right is a split from former right 37-664.
4. 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.
5. Point of diversion described above is the headgate for District 45 canal.

Decreed Date: 3/31/2010

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

Current Water Right No.: 37-21883

Current Owner: TRACY DUNLAP
STEVE GOWER
Priority Date: 9/18/1885
Origin: Water Right
Status: Water Supply Bank Active
Basis: Decreed

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Diversion Rate

0.05 CFS

Annual Volume

Total Diversion

0.05 CFS

Location of Point(s) of Diversion

BIG WOOD RIVER
BLAINE County

NE1/4SW1/4NW1/4

Sec. 36, Twp 02N, Rge 18E B.M.

Place of Use

IRRIGATION Within BLAINE County

T01N R19E S7 Lot 4 SWSW 5.00

Total Acres: 5

Conditions of Approval:

1. Property is also known as Lot 3, Blk 1, Bellevue Farms Subdivision.
2. Point of diversion described above is the headgate for District 45 canal.
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. Right Nos. 37-21842, 37-21849, 37-21866, 37-21883, 37-21900 and 37-21917 are limited to the irrigation of a combined total of 5 acres in a single irrigation season.
5. This right is a split from former right 37-298.

Decreed Date: 3/31/2010

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

Current Water Right No.: 37-21900

Current Owner: STEVE GOWER
TRACY DUNLAP
Priority Date: 6/12/1886
Origin: Water Right
Status: Water Supply Bank Active
Basis: Decreed

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Diversion Rate

0.005 CFS

Annual Volume

Total Diversion

0.005 CFS

Location of Point(s) of Diversion

BIG WOOD RIVER

NE1/4SW1/4NW1/4

Sec. 36, Twp 02N, Rge 18E B.M.

BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T01N R19E S7 Lot 4 SWSW 5.00

Total Acres: 5

Conditions of Approval:

1. 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.
2. Right Nos. 37-21842, 37-21849, 37-21866, 37-21883, 37-21900 and 37-21917 are limited to the irrigation of a combined total of 5 acres in a single irrigation season.
3. Property is also known as Lot 3, Blk 1, Bellevue Farms Subdivision.
4. Point of diversion described above is the headgate for District 45 canal.
5. This right is a split from former right 37-666.

Decreed Date: 3/31/2010

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

Current Water Right No.: 37-21917

Current Owner: STEVE GOWER
TRACY DUNLAP
Priority Date: 6/15/1891
Origin: Water Right
Status: Water Supply Bank Active
Basis: Decreed

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Diversion Rate

0.13 CFS

Annual Volume

Total Diversion

0.13 CFS

Location of Point(s) of Diversion

BIG WOOD RIVER
BLAINE County

NE1/4SW1/4NW1/4 Sec. 36, Twp 02N, Rge 18E B.M.

Place of Use

IRRIGATION Within BLAINE County

T01N R19E S7 Lot 4 SWSW 5.00

Total Acres: 5

Conditions of Approval:

1. Point of diversion described above is the headgate for District 45 canal.
2. This right is a split from former right 37-480 and 37-667.
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. Right Nos. 37-21842, 37-21849, 37-21866, 37-21883, 37-21900 and 37-21917 are limited to the irrigation of a combined total of 5 acres in a single irrigation season.
5. Property is also known as Lot 3, Blk 1, Bellevue Farms Subdivision.

Decreed Date: 3/31/2010

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Page 6/12

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	
37-21842	12/31/2025	0.10	17.5	5.0	Attached? ☒ or No Change ☐
37-21849	12/31/2025	0.08	Not Stated	5.0	Attached? ☒ or No Change ☐
37-21866	12/31/2025	0.005	Not Stated	5.0	Attached? ☒ or No Change ☐
37-21883	12/31/2025	0.05	Not Stated	5.0	Attached? ☒ or No Change ☐
37-21900	12/31/2025	0.005	Not Stated	5.0	Attached? ☒ or No Change ☐
37-21917	12/31/2025	0.13	Not Stated	5.0	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:

Water rights listed above are proposed to be transferred to new place of use and new uses. Purchaser of the rights listed above has submitted a water bank rental application to rent them from the water supply bank for the same uses currently authorized under 37-510A and 37-685D.

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.

ATTACHMENT 8A

Tracy Dunlap Steve Gower- Pond Evaporative Loss Calculations

Brockway Engineering PLLC

2/26/2021

*Picabo NWS:

*Grass Pasture, High Management Annual (Pdef) (mm):	705.0
*Grass Pasture, High Management Annual (Pdef) (ft):	2.31
Acres of Grass Pasture High Management Irrigated Under WR's (acres):	5.0
Historic Consumptive Use; Grass Pasture High Management (ac-ft):	11.6

* Allen, Richard G. and Clarence W. Robison, 2017. Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho: Supplement updating the Time Series through December 2016, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID.

**AGREEMENT FOR PURCHASE AND SALE
OF WATER RIGHTS**

THIS AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHTS ("Agreement") is made and entered into this _____ day of February, 2021, by and between STEVEN H. GOWER and TRACY DUNLAP, husband and wife (collectively the "Seller"), and FLYING SQUIRREL PRODUCTIONS LLC, a Delaware limited liability company (the "Buyer").

RECITALS

WHEREAS, the Seller owns Water Rights 37-21849, 37-21866, 37-21883, 37-21900 and 37-21917 for irrigation of five (5) acres of land located in the Bellevue Farms Subdivision, County of Blaine, State of Idaho (the "Water Rights"); and

WHEREAS, the Buyer desires to purchase the Water Rights from the Seller on the terms and conditions set forth below;

NOW, THEREFORE, inconsideration of the mutual covenants, promises and conditions set forth herein, it is agreed as follows:

ARTICLE 1
Sale of Water Rights

1.1 The Seller agrees to sell and convey, and the Buyer agrees to purchase, the Water Rights to be transferred to Buyer's property in Blaine County, Idaho for use in the pond on that property in the manner to be described in the Application for Transfer (the "Transfer Application") to be filed with the Idaho Department of Water Resources ("IDWR") as provided in ARTICLE 7, below.

ARTICLE 2
Purchase Price

2.1 The Purchase Price shall be

2.2 Payment Terms

2.2.1 Upon execution of this Agreement by both parties, the Buyer will immediately deposit into escrow with the law firm of Speck & Aanestad, A Professional Corporation, 120 East Avenue North, Ketchum, Idaho 83340 ("Escrow Agent") the sum of _____ as earnest money. The parties acknowledge that Escrow Agent is a law firm which represents Buyer in this transaction. Buyer hereby directs Escrow Agent and its attorney and independent contractors to comply strictly with the terms of this Agreement with respect to the escrow of the earnest money, including without limitation the deposit, maintenance, and ultimate distribution of the earnest money, regardless of other professional ethical obligations it owes to Buyer as Buyer's legal

counsel, including without limitation the duty of loyalty to a client. By executing this Agreement, Escrow Agent agrees to this term of this Agreement.

2.2.2 All earnest money identified in Section 2.2.1 shall be applied to the Purchase Price at Closing; however, in the event the IDWR does not approve the water right transfer on terms and conditions acceptable to Buyer, in Buyer's sole discretion, the earnest money shall be returned to Buyer, and all further obligations under this Agreement shall cease and become null and void.

2.3 All earnest money, together with the balance of the Purchase Price, that is , shall be delivered to the Seller at Closing.

ARTICLE 3 Buyer's Due Diligence

3.1 Buyer has conducted all due diligence concerning the Water Rights and their transferability that Buyer deems appropriate prior to entering into this Agreement and is not relying on any written or oral representations or warranties of Seller except those representations contained herein. Buyer acknowledges that Seller has no control over the amount of mitigation or ditch loss IDWR may require in approving the Transfer Application, and, therefore, the Purchase Price is based on the amounts of the Water Rights being purchased, and not the amounts of water that ultimately may be approved for diversion and use by Buyer as a result of any mitigation or ditch loss requirement in the approval process. Buyer further acknowledges that the Water Rights are currently leased into the Idaho Water Supply Bank. Buyer shall comply with all terms of said lease and shall be entitled to all benefits thereof which accrue following closing

ARTICLE 4 Closing and Conditions to Closing

4.1 Unless the parties agree otherwise, in writing, Closing shall occur within ten (10) days after IDWR's final and non-appealable order approving the Transfer Application, on terms and conditions acceptable to Buyer, in Buyer's sole discretion.

4.2 In the event the transfer of the Water Rights is not approved by IDWR as described in Section 4.1, above, Buyer shall have the option, but not the obligation, to proceed to Closing. In this event, Buyer shall notify Seller of its intention to close on or before the fifth (5th) day

following issuance of the denial by IDWR and closing shall occur on or before the tenth (10th) day following said notice by Buyer.

4.3 In the event IDWR has approved the Transfer Application, all Seller's conditions to close are met and Buyer fails to close on the Closing Date, Buyer shall forfeit all earnest money to Seller.

4.4 All assessments against the Water Rights shall be prorated as of the date of Closing.

ARTICLE 5 Warranties and Disclaimer

5.1 Representations and Warranties. Buyer and Seller represent and warrant one to the other that they have the power and authority to enter into this Agreement and the further agreements contemplated hereby, to be bound by, and to perform such agreements. The Seller makes the following additional representations and warranties, all of which shall be valid as of Closing and survive Closing:

- i. Upon consummation of the contemplated purchase, the lands to which the Transferred Water Right are appurtenant will no longer be irrigated unless Seller develops or obtains and transfers a new water right to such lands for irrigation;
- ii. Seller has not assigned or conveyed, or contracted to assign or convey, any of the Water Rights to any other person or entity; and
- iii. The Water Rights are free of any liens, mortgages, security interests, and encumbrances, with the exception of the Idaho Water Supply Bank Lease identified above.

ARTICLE 6 Deed

6.1 Title to the Water Rights shall be conveyed by a Water Rights Quitclaim Deed at Closing.

ARTICLE 7 Water Right Transfer

7.1 Transfer Application. Buyer shall prepare and pay for all fees and costs of the Transfer Application and any other documents or applications reasonable or necessary to the Transfer Application or other implementation of the transfer of the Water Rights pursuant to this Agreement. Buyer shall file the Transfer Application within thirty (30) days from the date of this Agreement, unless an extension is agreed to in writing by the parties hereto. Buyer shall ensure that Seller is included as a recipient of all notices from IDWR. As the owner of the Water Right, Seller agrees to cooperate in the Transfer Application by signing any and all necessary documents to facilitate the transfer, and Seller agrees to support the transfer before IDWR or any other

applicable governmental entity or political subdivision. In the event Buyer fails to timely submit the Transfer Application through no fault of Seller, Buyer shall forfeit all earnest money to Seller and this Agreement shall terminate.

7.2 Protest to Transfer. If the Transfer Application is protested Buyer shall have the option to either terminate this Agreement, in which case the earnest money shall be returned to Buyer, and all further obligations under this Agreement shall cease and become null and void, or to continue to pursue approval of the Transfer Application. Buyer, at his sole cost and expense, will retain the services of an attorney to represent Buyer in all proceedings associated with the protested Transfer Application.

ARTICLE 8

Miscellaneous Provisions

8.1 Survival of All Representations and Warranties. The representations, warranties, covenants and agreements of the Seller and Buyer contained in this Agreement shall survive the Closing hereunder.

8.2 Applicable Law. This Agreement is being executed and delivered within the State of Idaho and shall be construed and enforced in all respects in accordance with the laws of the State of Idaho.

8.3 Number and Gender of Persons. The terms "Buyer" and "Seller" are used herein without regard to the number or gender of the persons constituting such parties. If the Seller and/or the Buyer consist of two or more persons, including, but not limited to, individuals, partnerships, associations or other entities, such persons shall be jointly and severally liable hereunder. Whenever any other neuter or singular term is used herein, such term shall be construed to include the masculine or feminine gender or plural, and shall include any party whether male, female or partnership or other entity as may be appropriate.

8.4 Captions. The captions of this Agreement are inserted only for the purpose of convenient reference and in no way define, limit or prescribe the scope or intent of this Agreement or any part hereof.

8.5 Binding Effect. This Agreement shall be binding upon and inure to the benefit of the heirs, personal representatives, administrators, successors and assigns of the parties hereto.

8.6 Time is of the Essence. Time is of the essence in connection with the duties and obligations contained herein.

8.7 Attorney's Fees. In the event that either party hereto retains an attorney to enforce any right or duty arising out of this Agreement, the prevailing party in such dispute shall be entitled to be paid reasonable attorney's fees by the non-prevailing party, whether or not litigation is actually instituted.

8.8 Entire Agreement. The Seller and Buyer acknowledge that the terms of this Agreement may vary from the terms contained in any other preliminary agreements, written or

oral, made prior to the execution of this Agreement and may vary from any negotiations between the parties prior to the execution of this Agreement. The Seller and Buyer agree that the terms, covenants and conditions of this Agreement shall supersede all such prior negotiations and agreements, and that there are no other agreements not contained in this Agreement, and that this Agreement shall be and is the final expression of the agreement of the parties and shall control. No modification of this Agreement shall be valid unless in writing and executed by the parties to the Agreement.

8.9 Severance and Validity. In the event any provision of this Agreement or any part hereof shall be determined by any Court of competent jurisdiction to be invalid, void or otherwise unenforceable, the remaining provisions hereunder, or parts thereof, shall remain in full force and effect, and shall in no way be affected, impaired, or invalidated thereby, it being agreed that such remaining provisions shall be construed in a manner most closely approximating the intention of the parties with respect to the invalid, void or unenforceable provision or part thereof.

8.10 Notices. All notices and communications under this Agreement shall be in writing, sent to the parties and their respective legal counsel, and shall be (i) delivered in person or (ii) mailed, postage prepaid, either by registered or certified mail, return receipt requested, or by overnight express carrier, or (iii) sent by electronic mail with the original to follow by mail in the manner described above. The physical and mailing addresses and facsimile numbers for the purposes of this paragraph are as follows:

<u>Recipient</u>	<u>Physical Address</u>	<u>Mailing Address</u>	<u>E-Mail</u>
Seller:	Steve Gower & Tracy Dunlap 109 Quarter Horse Drive Bellevue, ID 83313	Steve Gower & Tracy Dunlap PO Box 644 Bellevue, ID 83313	tracydunlap@icloud.com
Buyer:	Flying Squirrel Productions LLC 600 First Ave. North Ketchum, Idaho 83340	Flying Squirrel Productions LLC PO Box 4938 Ketchum, Idaho 83340- 4938	jneeley@briodest.com

8.12 Counterparts. This Assignment Agreement may be executed in one or more counterparts, and by facsimile signature, each of which shall be deemed an original and all of which, taken together, shall be construed as a single instrument binding all of the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement for Purchase and Sale of Water Rights the day and year first above written.

BUYER:
FLYING SQUIRREL PRODUCTIONS LLC,
a Delaware limited liability company

Dated: 2/12/2021

By: 

Jonathan Neeley, Managing Member

SELLER:

Dated: 2/11/2021


STEVEN H. GOWER

Dated: 2.11.2021


TRACY DUNLAP

ESCROW AGENT:

SPECK & AANESTAD, A Professional Corporation

Dated: 2.19.2021

By: 

James P. Speck, President



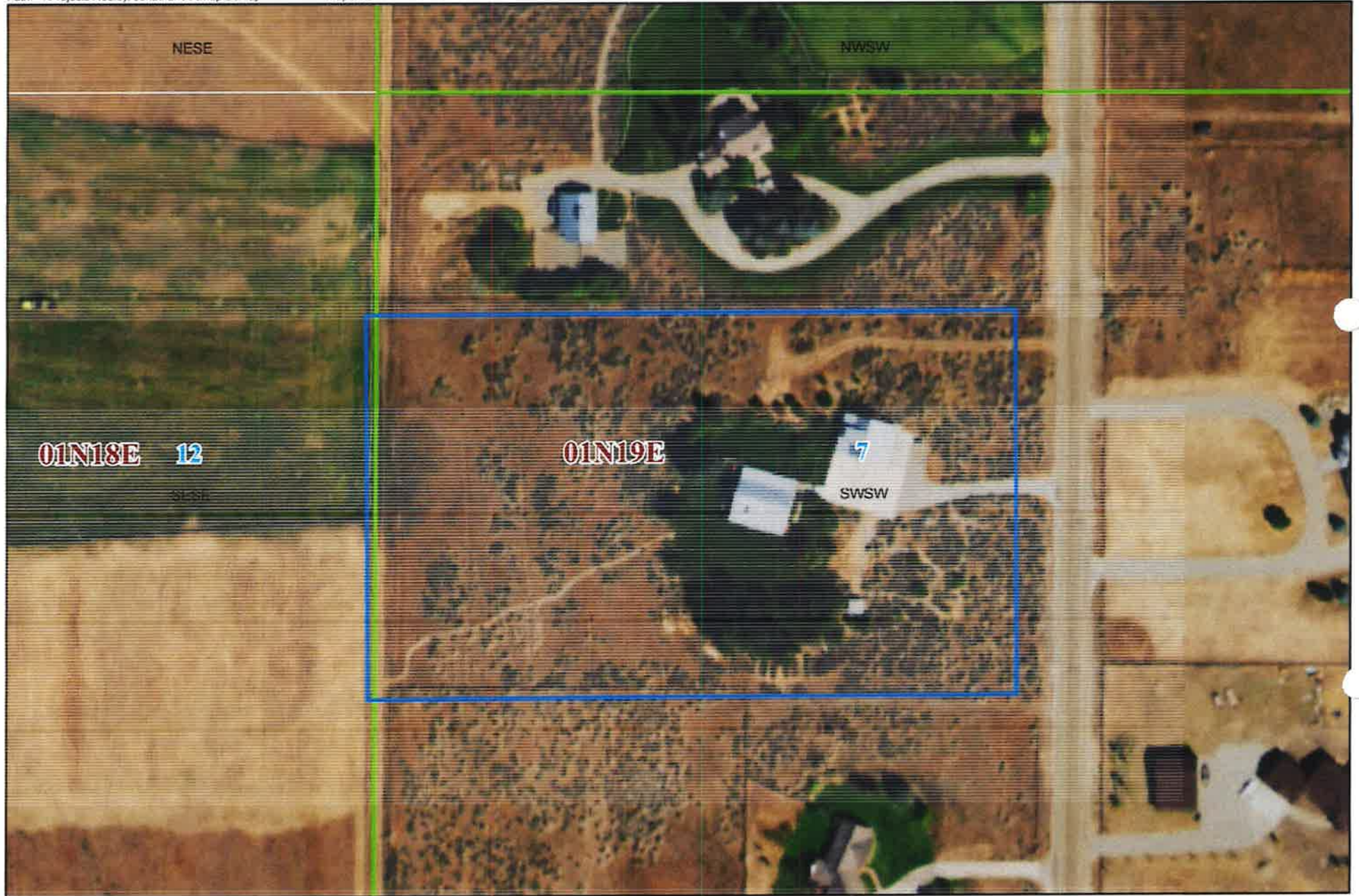
0 175 350 700
1 Feet

Tracy Dunlap and Steve Gower
Attachment #7A

Legend

- POD- Well
- New POU- POND





0 50 100 200 Feet

TRACY DUNLAP & STEVE GOWER
ATTACHMENT 7B

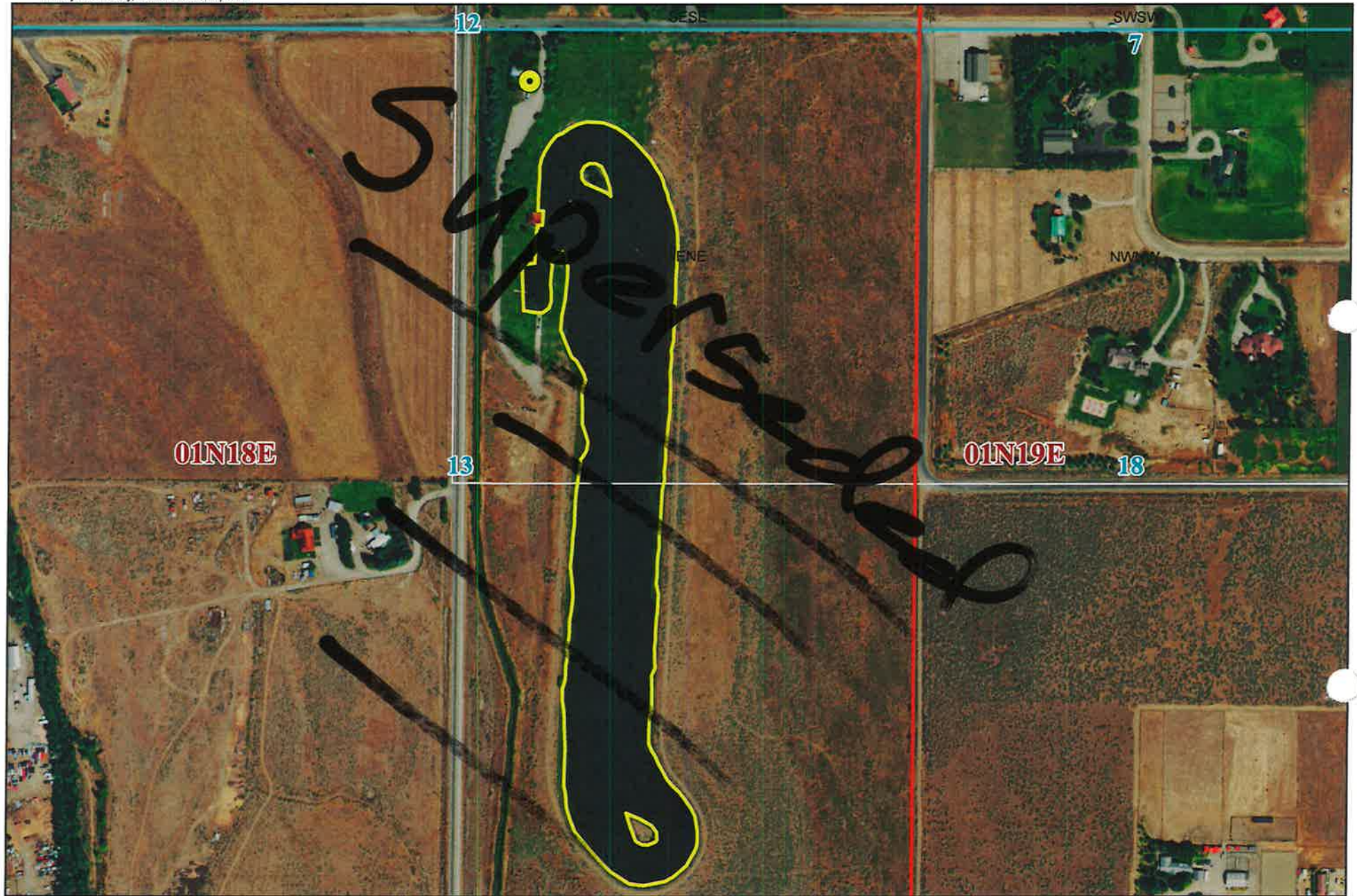
BROCKWAY ENGINEERING, PLLC.
JJJ - Date: 4/7/2021

NAIP 2019 AERIAL

Legend

 5.0 Acre Dry Up Area





Tracy Dunlap and Steve Gower
WR Transfer, 2021

0 175 350 700 Feet

BROCKWAY ENGINEERING, PLLC.
JJJ - Date: 2/26/2021

NAIP 2019 AERIAL

Legend

- POD- Well
- New POU- POND



Maline, Denise

From: Maline, Denise
Sent: Friday, April 16, 2021 11:20 AM
To: Kevin Lakey (WD37); Cyndi WD37
Subject: Comment Letter for Transfer 84873 (Dunlap & Gower)
Attachments: Transfer 84873 (Dunlap & Gower).pdf; Comment Letter to WD37 for 84873.docx

Hi Kevin,

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

Thank you in advance,

Denise @ IDWR



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

April 15, 2021

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

RE: Transfer No. 84873 (Steve Gower & Tracy Dunlap)

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)



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

April 15, 2021

STEVE GOWER
TRACY DUNLAP
PO BOX 644
BELLEVUE, ID 83313

RE: Transfer No. 84873

Water Right No(s). 37-21842, 37-21849, 37-21866, 37-21883, 37-21900, 37-21917

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 4/21/2021 and 4/28/2021**. 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 **May 10, 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



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: www.idwr.idaho.gov • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

April 15, 2021

WOOD RIVER VALLEY IRRIGATION DISTRICT #45
PO BOX 2223
HAILEY ID 83333-2233

RE: Application for Transfer No.: 84873 (Steve Gower & Tracy Dunlap)
Water Right No.: 37-21842, etc.

Dear Interested Party:

The Department of Water Resources is seeking written comments and/or recommendations from your agency regarding the above referenced water right transfer application. A copy of the application is enclosed for your reference. Additional information regarding this application can be found on our website at www.idwr.idaho.gov.

Please review the application, and submit any necessary comments to this office within 21 days. If the department has not received your written comments within 21 days; we will presume that you do not oppose approval of the application and that you have no comments for the department to consider.

In addition, if you desire to formally protest the approval of this application, you may do so by filing a written protest with this office, *on or before May 10, 2021*.

Please contact this office if you have any questions regarding this information.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, April 15, 2021 11:46 AM
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 April 21st & 28th, 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, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 293-9908
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

April 15, 2021

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

RE: Transfer No. 84873

Water Right No(s). 37-21842, 37-21849, 37-21866, 37-21883, 37-21900,
37-21917

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 5/10/2021. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84873**

STEVE GOWER and TRACY DUNLAP, PO BOX 644, BELLEVUE, ID 83313 has filed Application No. 84873 for changes to the following water rights within BLAINE County(s): Right No(s). 37-21842, 37-21849, 37-21866, 37-21883, 37-21900, 37-21917; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing five Big Wood River rights and one ground water right (totaling 0.375 cfs) currently used to irrigate 5 acres located approximately 2.5 to 2.6 miles south and 0.4 to 0.5 miles south of Bellevue to recreation storage uses associated with an existing water storage facility located approximately 2.7 to 3.2 miles south and 0.2 to 0.3 miles east of Bellevue. The application proposes changing the ground water right's point of diversion from the current location approximately 2.5 miles south and 0.8 miles east of Bellevue to a proposed well near the storage facility location approximately 2.7 to 3.2 miles south and 0.2 to 0.3 miles east of Bellevue. The five Big Wood River rights will continue to be diverted at the District Canal near Bellevue.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **May 10, 2021**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on April 21st & 28th, 2021

Mills, Bill

From: Buyer, Remington
Sent: Wednesday, April 14, 2021 9:00 AM
To: Mills, Bill
Cc: Skinner, Corey; Bank
Subject: Re: Rights leased to WSB in Transfer Application

Great. We'll put the rental application on hold and notify the applicant that we are letting the transfer proceed. If a delay emerges on the transfer track, we can reconsider the rental request, else, we'll return the rental if the transfer is approved.

From: Mills, Bill
Sent: Wednesday, April 14, 2021 7:46:38 AM
To: Buyer, Remington
Cc: Skinner, Corey
Subject: FW: Rights leased to WSB in Transfer Application

Remington,
Since the transfer application is subject to public notice and potential protest, I concur with Corey's statement below.
Bill

From: Skinner, Corey
Sent: Wednesday, April 14, 2021 7:38 AM
To: Mills, Bill <Bill.Mills@idwr.idaho.gov>
Subject: Re: Rights leased to WSB in Transfer Application

I would hold off on processing the rental until we process the transfer, but would not return the rental until the transfer is through advertising with no protests, or approved.

Sent from my iPhone

On Apr 14, 2021, at 7:35 AM, Mills, Bill <Bill.Mills@idwr.idaho.gov> wrote:

What do you think Corey?

From: Buyer, Remington
Sent: Tuesday, April 13, 2021 5:24 PM
To: Mills, Bill <Bill.Mills@idwr.idaho.gov>
Subject: Re: Rights leased to WSB in Transfer Application

Hi Bill,

Thanks for reaching out. In fact, we have a rental application before us proposing to do the same thing as the transfer (application 2032).

Do you think this transfer will be approved this year? It would be useful if IDWR can avoid duplicative efforts through the transfer and the rental; if the transfer can be easily approved, we will return the rental request.

-Remington

From: Mills, Bill

Sent: Tuesday, April 13, 2021 2:32:04 PM

To: Buyer, Remington

Subject: Rights leased to WSB in Transfer Application

Remington,

Water Rights 37-21842, 37-21849, 37-21883, 37-21900 and 37-21917 are currently leased to the water supply bank (2021 to 2025). Southern Region is now processing a transfer application that will change the nature of use of these rights to recreation storage (combined 11.6 acre feet) and move them to properties owned by Flying Squirrel Productions. I have attached a copy of the transfer application and a memo summarizing what the transfer is proposing. Let me know if you have any questions.

Sincerely,

Bill Mills

MEMORANDUM

Date: April 13, 2021
To: Transfer 84873 File
From: Bill Mills
Re: Transfer Proposal

Application proposes changing five Big Wood River rights and one ground water right (totaling 0.375 cfs) currently used to irrigate 5 acres located approximately 2.5 to 2.6 miles south and 0.4 to 0.5 miles south of Bellevue to recreation storage uses associated with an existing water storage facility located approximately 2.7 to 3.2 miles south and 0.2 to 0.3 miles east of Bellevue. The application proposes changing the ground water right's point of diversion from the current location approximately 2.5 miles south and 0.8 miles east of Bellevue to a proposed well near the storage facility location approximately 2.7 to 3.2 miles south and 0.2 to 0.3 miles east of Bellevue. The five Big Wood River rights will continue to be diverted at the District Canal near Bellevue.

The change in nature of use analysis from irrigation to recreation storage was based on an acre to volume conversion utilizing the precipitation deficit value for high management pasture grass (2.31 acre-feet per acre a year). However, all of the rights in the transfer were decreed in 2010 and then have been leased to the water supply bank since 2016. These rights have been protected from forfeiture since their decree date.



University of Idaho

Kimberly Research and Extension Center

[Water Resources Program](#)

ETIdaho 2017

Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

Please send suggestions for
improving this site to robison at
uidaho dot edu

2021-04-13 06:08

*Copyright 2018, University of
Idaho.*

Picabo (NWS -- USC00107040)

Statistics based on thirty year normal spans 1980 to 2016 years

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Grass Pasture - high management Precipitation Deficit (Click here for a graph)														
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b
Mean ^j	mm/day												mm	
Monthly ^c	-0.10	0.01	0.08	0.59	3.08	5.24	5.98	5.44	3.19	0.20	-0.53	-0.17	730	-25
15-Day Moving Average ^d	-0.10	0.00	0.09	0.47	3.10	5.30	5.99	5.48	3.18	0.22	-0.48	-0.17		
7-Day Moving Average ^e	-0.11	0.01	0.08	0.50	3.08	5.27	5.98	5.47	3.17	0.21	-0.49	-0.18		
3-Day Moving Average ^f	-0.10	0.02	0.08	0.55	3.08	5.22	5.98	5.45	3.19	0.19	-0.49	-0.18		

11
2.31 Acre

MEMORANDUM

Date: April 13, 2021
To: Transfer 84873 File
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #84873 are based on the current transfer fee schedule and are set at \$5080.00 for the 0.375 cfs being transferred in the application and an additional \$250.00 fee for the change in nature of use, for a total \$750.00 (Receipt Nos. S038500 & S038527).

Mills, Bill

From: Mills, Bill
Sent: Tuesday, April 13, 2021 2:32 PM
To: Buyer, Remington
Subject: Rights leased to WSB in Transfer Application
Attachments: Transfer Application 84873.pdf; Transfer Proposal Memo.pdf

Remington,

Water Rights 37-21842, 37-21849, 37-21883, 37-21900 and 37-21917 are currently leased to the water supply bank (2021 to 2025). Southern Region is now processing a transfer application that will change the nature of use of these rights to recreation storage (combined 11.6 acre feet) and move them to properties owned by Flying Squirrel Productions. I have attached a copy of the transfer application and a memo summarizing what the transfer is proposing. Let me know if you have any questions.

Sincerely,
Bill Mills

* and 37-21866 #

Mills, Bill

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Tuesday, April 13, 2021 3:19 PM
To: Mills, Bill
Subject: RE: Tracy Dunlap & Steve Gower Transfer Application

Bill-
The well is proposed, I had marked it as being existing, but through correspondence with the property owner, I was told it will be a new well.
Please let me know if you have any additional questions or need more info, thanks-

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-721-2114
f. 208-736-8506

zach.latham@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.

From: Mills, Bill [mailto:Bill.Mills@idwr.idaho.gov]
Sent: Tuesday, April 13, 2021 8:07 AM
To: Zach Latham
Subject: RE: Tracy Dunlap & Steve Gower Transfer Application

Zach,
Is the proposed well in the Dunlap & Gower transfer application existing or proposed?
Thanks,
Bill

From: Zach Latham [mailto:zach.latham@brockwayeng.com]
Sent: Monday, April 12, 2021 2:09 PM
To: Mills, Bill <Bill.Mills@idwr.idaho.gov>
Subject: RE: Tracy Dunlap & Steve Gower Transfer Application

Bill-
Denise says the check is in your office, please let me know if you have any questions or comments, thanks again.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-721-2114
f. 208-736-8506

zach.latham@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.

From: Zach Latham [<mailto:zach.latham@brockwayeng.com>]
Sent: Monday, April 12, 2021 9:49 AM
To: 'Mills, Bill'
Subject: RE: Tracy Dunlap & Steve Gower Transfer Application

Weird! Nichol our secretary mailed it on Wednesday last week I believe, please let me know if you see it today, I'll confirm it was mailed to Southern, not the State Office, thanks again Bill-

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c. 208-721-2114
f. 208-736-8506

zach.latham@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.

From: Mills, Bill [<mailto:Bill.Mills@idwr.idaho.gov>]
Sent: Friday, April 09, 2021 12:50 PM
To: Zach Latham
Subject: Re: Tracy Dunlap & Steve Gower Transfer Application

Zach,

FYI, It's Friday 4/9/2021 and we still haven't received the \$250.00 change in nature of use fee for the Dunlap & Gower transfer application. I can't move forward until we have a complete application.

Thanks,

Bill

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Thursday, April 8, 2021 10:31:48 AM
To: Mills, Bill
Subject: RE: Tracy Dunlap & Steve Gower Transfer Application

Bill-

Per our conversation yesterday, I am requesting we drop the 10-acre description associated with the proposed ground water POD for 37-21842 on the recent application for transfer filing in the name of Tracy Dunlap and Steve Gower . I have attached a map (attachment #7a) showing the updated proposed ground water POD location, which is in the same 40-acre tract as requested on the application for transfer.

Please let me know if you have any additional comments or questions regarding this water right transfer application. Thanks for your time and attention to this matter, we really appreciate it.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c. 208-721-2114
f. 208-736-8506

zach.latham@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.

From: Zach Latham [<mailto:zach.latham@brockwayeng.com>]
Sent: Wednesday, April 07, 2021 2:03 PM
To: 'Mills, Bill'
Subject: RE: Tracy Dunlap & Steve Gower Transfer Application

Bill-
Attached is the attachment 7B. Our secretary mailed the \$250 check, and you should see it tomorrow. If this isn't soon enough, let me know and she can cut a 2nd check and hand deliver today, asking that you void the check that's in the mail. Please let me know.
In the time since talked, I realized we have the proposed ground water point of diversion in the wrong 10 acre tract, it should be in the SW of the NENE. Can we make this change before advertisement and if so, how?
Please let me know how to proceed, give me a call at 208-721-2114, thanks again.

Zach Latham

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From: Zach Latham [<mailto:zach.latham@brockwayeng.com>]
Sent: Wednesday, April 07, 2021 7:43 AM
To: 'Mills, Bill'
Subject: RE: Tracy Dunlap & Steve Gower Transfer Application

Bill-
I really appreciate you reaching out via email. I will get our secretary to cut an additional check for \$250 for the change in nature of use. I was wanting to discuss the 7B map with the processing agent as I can provide the GIS file for the proposed place of use and or the location of acres to be dried up (I think this is likely what you want).
Again, thanks for the email, I have a meeting in Bellevue at 8:30 and I'll give you a call right after it's done to discuss, thanks again-

Zach Latham

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From: Mills, Bill [<mailto:Bill.Mills@idwr.idaho.gov>]
Sent: Tuesday, April 06, 2021 12:27 PM
To: Zach Latham
Subject: Tracy Dunlap & Steve Gower Transfer Application

Zach,

After an initial review of this application, it looks pretty good. However, there doesn't appear to be a map or other acceptable imagery included that meets the requirements of item #7B on Page 1 & Part 3A on Page 6 of the application and the \$250.00 change in nature of use fee was not provided along with the \$500.00 application fee (S038500).

Thanks,
Bill



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

April 1st, 2021

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

RECEIVED

APR 01 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

RE: Tracy Dunlap and Steve Gower; Water Right Transfer Application.

Dear Corey,

Enclosed is a water right transfer application filed in the name of Tracy Dunlap and Steve Gower (Applicant), involving five Big Wood River irrigation water rights and one ground water irrigation right currently authorized to irrigate 5.0 acres on their property south of Bellevue, ID. The Applicant seeks to transfer all portions of all six rights to new uses at a new place of use per the attached purchase and sale agreement with Flying Squirrel Productions LLC, purchaser of the water. A change of ownership will be filed after transfer approval to transfer ownership from the Applicant to Flying Squirrel Productions LLC.

The intent of the water right transfer is to change the nature of use on the existing six water rights to allow for the filling of and storage of water within the recreational pond currently authorized under 37-510A and 37-685D and owned by Flying Squirrel Productions LLC during times when these two rights are un-deliverable due to priority date cuts. Therefore, the beneficial uses on the attached water right transfer application mimic those listed on 37-510A and 37-685D.

Consumptive use calculations are attached and assume grass pasture, high management, was historically grown at the current place of use. The calculated consumptive use associated with the 5.0 acres is the volume listed under the new uses. The proposed point of diversion for the surface water rights remains un-changed at the head of the Wood River Valley Irrigation District #45 Canal. The proposed ground water point of diversion will be a well on the Flying Squirrel LLC property. All six of the Applicant's water rights are currently leased to the Water Supply Bank through 2025. Flying Squirrel Productions LLC has applied to rent all six rights through 2025.

Please copy our office and Brockway Engineering on all correspondence regarding this water right transfer application. Also included is a check for \$500.00 to cover the cost of the water right transfer application. Don't hesitate to give me a call should you have any further questions or comments.

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Regards,

Nichol Ciserella for Zach Latham

Zach Latham, M.S., Hydrologist.

Enclosures: (1) Water Right Transfer Application
(1) Attachment 7A Map.
(1) Attachment 8A CU Calculations.
(1) Purchase and Sale Agreement.
(1) Brockway Engineering Check # 1163167.

Cc: Ms. Tracy Dunlap
Mr. Jim Speck
Flying Squirrel Productions LLC