

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83331**

This is to certify that: EAGLE CREEK IRRIGATION CO
C/O EVERETT DAVIS
PO BOX 1965
SUN VALLEY, ID 83353

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-863E	WR/DECREED	10/6/1902	4.560 cfs	N/A	N/A	131.0	EAGLE CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-863E	NO	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-863E	37-863E	4.560 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		4.560 cfs	N/A	131.0	131.0		N/A	N/A	N/A	N/A

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

Dated this 6th day of September, 2019.



Southern Region Manager

Transfer No. 83331

WATER RIGHT NO. 37-863E**As Modified by Transfer No. 83331**

In accordance with the approval of Transfer No. 83331, Water Right No. 37-863E is now described as follows:

Right Holder: EAGLE CREEK IRRIGATION CO
C/O EVERETT DAVIS
PO BOX 1965
SUN VALLEY, ID 83353

Priority Date: 10/6/1902

Source: EAGLE CREEK

Tributary: BIG WOOD RIVER

BENEFICIAL USE

IRRIGATION
MITIGATION

From

04/15
04/15

to 10/31
to 10/31

To**Diversion Rate**

4.220 cfs
0.340 cfs
4.560 cfs

LOCATION OF POINT(S) OF DIVERSION

EAGLE CREEK	SESE	Sec 11 Twp 05N Rge 17E	BLAINE County
EAGLE CREEK	SESE	Sec 11 Twp 05N Rge 17E	BLAINE County
EAGLE CREEK	SWSE	Sec 11 Twp 05N Rge 17E	BLAINE County
EAGLE CREEK	SWSW	Sec 12 Twp 05N Rge 17E	BLAINE County
EAGLE CREEK	NWNE	Sec 14 Twp 05N Rge 17E	BLAINE County
EAGLE CREEK	NWNE	Sec 14 Twp 05N Rge 17E	BLAINE County
EAGLE CREEK	NWNE	Sec 14 Twp 05N Rge 17E	BLAINE County
EAGLE CREEK	NWNE	Sec 14 Twp 05N Rge 17E	BLAINE County
EAGLE CREEK	SENE	Sec 14 Twp 05N Rge 17E	BLAINE County
EAGLE CREEK	SWNW	Sec 14 Twp 05N Rge 17E	BLAINE County
EAGLE CREEK	SWNW	Sec 14 Twp 05N Rge 17E	BLAINE County

PLACE OF USE: MITIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	17E	14															X		

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 131 acres within the boundary of the Eagle Creek Irrigation Company which is comprised of portions of HES 129 and HES 329.
2. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2) (h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Transfer No. 83331

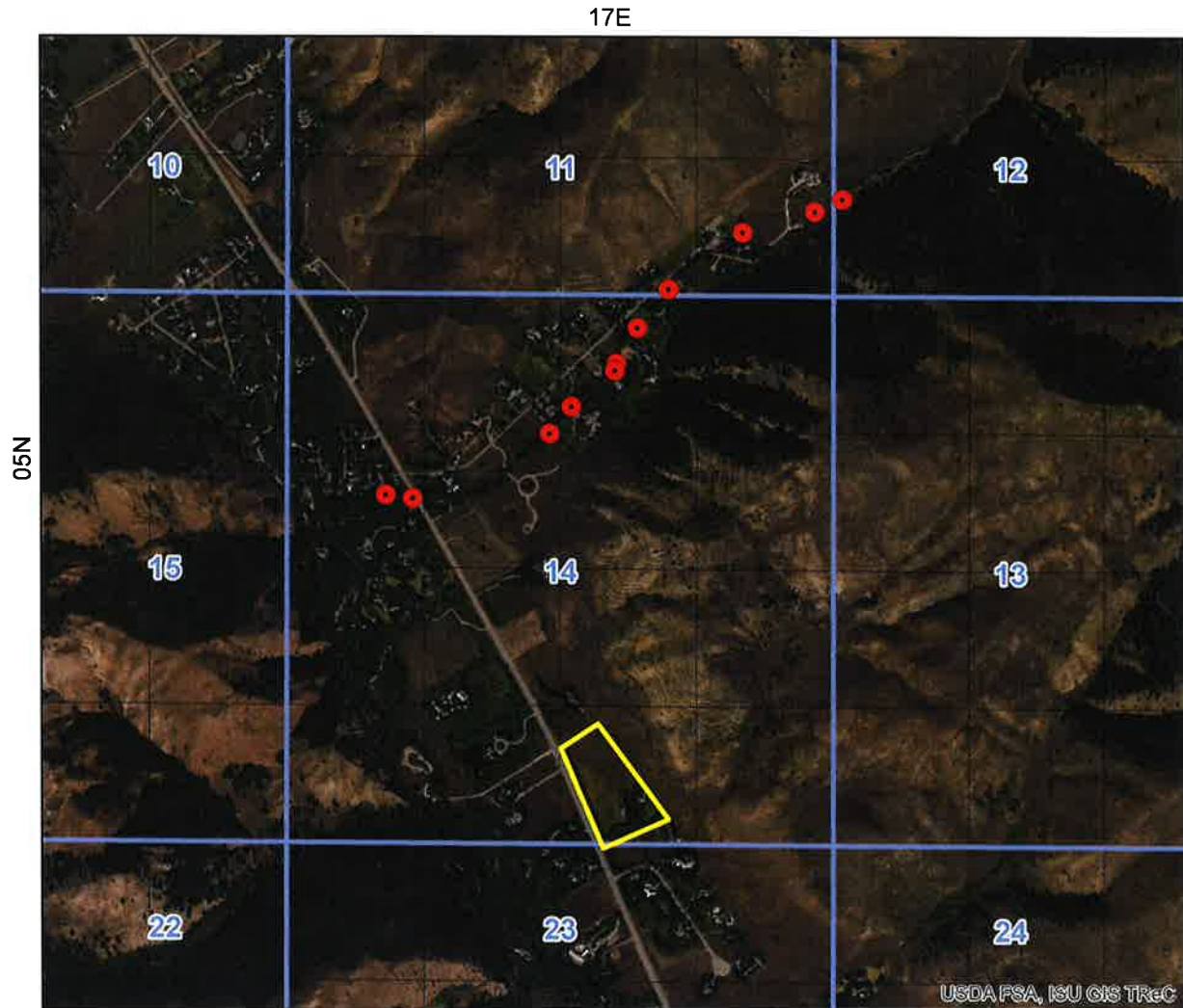
WATER RIGHT NO. 37-863E
As Modified by Transfer No. 83331

CONDITIONS OF APPROVAL

3. Place of use does not include federal public lands.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. # 37.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 37-22779. To prevent injury to other water right holders within the Eagle Creek Irrigation System, the Watermaster or ditch rider shall deliver 0.08 cfs for mitigation purpose of Right 37-863E into the High Ditch of the Eagle Creek Irrigation Company, where it shall remain undiverted but provide for conveyance loss in the canal. The remainder of the flow dedicated for mitigation purpose (0.26 cfs) shall remain in the channel of Eagle Creek and be delivered past the last diversion of Eagle Creek Irrigation Company on Eagle Creek to mitigate any injury caused by the pumping of Right 37-22779 on right holders in the Big Wood River. If the mitigation portion of this right is used for any purpose other than conveyance loss, then water shall not be diverted under Right 37-22779. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Right 37-22779 that are being mitigated shall be reduced by the same proportion as the reduction to this right.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Attachment to Transfer # 83331
37-863E

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



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.2 0.4 0.8 Miles



MAY 08 2019

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 § 42-221.0.8](#). Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Eagle Creek Irrigation Company C/O Everett Davis Phone _____
 2. **MAILING ADDRESS** P.O. Box 1965 City Sun Valley
 State ID Zip 83353 Email evdavis65@icloud.com

- ☐ 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)** 37-863E

- ☒ 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 4.56 cubic feet per second and/or _____ 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 #
NO			SW	SW	12	5N	17E	BLAINE	EAGLE CREEK	EXISTING POD
NO			SE	SE	11	5N	17E	BLAINE	EAGLE CREEK	EXISTING POD
NO			SE	SE	11	5N	17E	BLAINE	EAGLE CREEK	EXISTING POD
NO			SW	SE	11	5N	17E	BLAINE	EAGLE CREEK	EXISTING POD
NO			NW	NE	14	5N	17E	BLAINE	EAGLE CREEK	EXISTING POD
NO			NW	NE	14	5N	17E	BLAINE	EAGLE CREEK	EXISTING POD
NO			NW	NE	14	5N	17E	BLAINE	EAGLE CREEK	EXISTING POD
NO			NW	NE	14	5N	17E	BLAINE	EAGLE CREEK	EXISTING POD
NO			SE	NW	14	5N	17E	BLAINE	EAGLE CREEK	EXISTING POD

(See Attached Page for Complete POD list)

5. POINT OF DIVERSION

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
No			SW	SW	12	5N	17E	Blaine	Eagle Creek	Existing POD
No			SE	SE	11	5N	17E	Blaine	Eagle Creek	Existing POD
No			SE	SE	11	5N	17E	Blaine	Eagle Creek	Existing POD
No			SW	SE	11	5N	17E	Blaine	Eagle Creek	Existing POD
No			NW	NE	14	5N	17E	Blaine	Eagle Creek	Existing POD
No			NW	NE	14	5N	17E	Blaine	Eagle Creek	Existing POD
No			NW	NE	14	5N	17E	Blaine	Eagle Creek	Existing POD
No			NW	NE	14	5N	17E	Blaine	Eagle Creek	Existing POD
No			SE	NW	14	5N	17E	Blaine	Eagle Creek	Existing POD
No			SW	NW	14	5N	17E	Blaine	Eagle Creek	Existing POD
No			SW	NW	14	5N	17E	Blaine	Eagle Creek	Existing POD

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:

Existing upstream most main diversion will be replaced in the fall of 2019 under a forthcoming special use permit from the U.S. Forest Service.

- b. Who owns the property at the point(s) of diversion? USFS

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

Forthcoming USFS special use permit.

- 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:

N/A.

- 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 $\frac{1}{4}$ $\frac{1}{4}$ 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.

Robert G. Stevens
Signature of applicant or authorized agent

EAGLE CREEK IRRIGATION CO.
MANAGER BOARD OF DIRECTORS
Print name and title if applicable

26 APRIL 2019
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 S.G. Date 5-8-2019

Fee paid \$50- Date 5-8-2019 Received by DM Receipt # 8037312

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 37-863E

IRRIGATION

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
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.2 0.4 0.8 Miles

TRANSFER 83331





0003453148

**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 #: 0003453148

Date Filed: 3/14/2019 11:19:43 AM

Entity Name and Mailing Address:

EAGLE CREEK IRRIGATION COMPANY

The file number of this entity on the records of the Idaho Secretary of State is: 0000152915

Address

PO BOX 1965
SUN VALLEY, ID 83353-1965

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: C47022

The registered agent on record is:

Registered Agent

EVERETT DAVIS
Registered Agent
Physical Address
30 EAGLE CREEK RD.
KETCHUM, ID 83340
Mailing Address

Corporate Officers and Directors:

Name	Title	Address
EVERETT DAVIS	President	PO BOX 1965 SUN VALLEY, ID 83353

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

Everett davis

Sign Here

03/14/2019

Date

Signer's Title: president

B0201-6734 03/14/2019 11:19 AM Received by ID Secretary of State Lawrence Denney



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

September 6, 2019

EAGLE CREEK IRRIGATION CO
C/O EVERETT DAVIS
PO BOX 1965
SUN VALLEY ID 83353

Re: Transfer No: 83331
Water Right No(s): 37-863E

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

c:

BROCKWAY ENGINEERING PLLC
C/O ZACH LATHAM
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

JAMES P SPECK
SPECK & AANESTAD PC
PO BOX 987
KETCHUM ID 83340-0998

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

CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2019 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 83331
Water Right No(s): 37-863E

EAGLE CREEK IRRIGATION CO
C/O EVERETT DAVIS
PO BOX 1965
SUN VALLEY ID 83353

BROCKWAY ENGINEERING PLLC
C/O ZACH LATHAM
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

JAMES P SPECK
SPECK & AANESTAD PC
PO BOX 987
KETCHUM ID 83340-0998

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



Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: September 03, 2019
To: Transfer 83331 File
From: Kent Aasa
Re: Fee Evaluation

Filing fees of \$50.00 charged for transfer application # 83331 (water right 37-863E) were based on Idaho Code § 42-221 (Supp. 2018) that pertains to transfer applications that change only the legal description of points of diversion with no physical changes to the locations (Receipt No.S037312).

Maline, Denise

From: Edelmann, Frank <frank.edelmann@idfg.idaho.gov>
Sent: Monday, July 08, 2019 11:48 AM
To: Maline, Denise
Subject: RE: Comment Letter for Eagle Creek Irrigation Co. - IDFG Review
Attachments: Comment Letter to F&G for 83331.pdf; Eagle Creek Irrigation Co T#83331.pdf

Dear Denise,

Thank you for the opportunity to review the attached Application for Transfer of Water Right – Point(s) of Diversion No. 83331 for Eagle Creek in Blaine County.

The application was submitted to administratively correct the PoD legal descriptions and no other physical PoD or water diversion changes are proposed.

IDFG therefore has no comments or recommendations at this time.

Sincerely,

Frank

Frank Edelmann
Environmental Staff Biologist
Idaho Department of Fish and Game
324 South 417 East, Suite 1
Jerome, Idaho 83338
(208) 324-4359



From: Maline, Denise [mailto:Denise.Maline@idwr.idaho.gov]
Sent: Tuesday, June 18, 2019 1:39 PM
To: Edelmann, Frank
Subject: Comment Letter for Eagle Creek Irrigation Co.

Good afternoon,

Attached is an application for transfer currently being processed by the Department. Please review the information and provide any necessary comments within 21 days. *Please note, this application does not require a legal notice to be published in the local newspaper.*

Feel free to contact our office if you have any questions regarding this application.

Thank you in advance,

Denise

Maline, Denise

From: Maline, Denise
Sent: Tuesday, June 18, 2019 1:39 PM
To: Frank Edelmann
Subject: Comment Letter for Eagle Creek Irrigation Co.
Attachments: Eagle Creek Irrigation Co T#83331.pdf; Comment Letter to F&G for 83331.pdf

Good afternoon,

Attached is an application for transfer currently being processed by the Department. Please review the information and provide any necessary comments within 21 days. *Please note, this application does not require a legal notice to be published in the local newspaper.*

Feel free to contact our office if you have any questions regarding this application.

Thank you in advance,

Denise

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 • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 18, 2019

IDAHO DEPT OF FISH & GAME *via e-mail*
FRANK EDELMANN
324 S 417 E STE 1
JEROME ID 83338

RE: Transfer No. 83331
Water Right No(s): 37-863E

Dear Frank:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days. In addition, detailed information regarding this application(s) can be found on our website at www.idwr.idaho.gov.

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.

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

Sincerely,

A handwritten signature in blue ink that reads "Denise Maline". The signature is fluid and cursive, with the first name "Denise" and last name "Maline" clearly distinguishable.

Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Tuesday, June 18, 2019 1:38 PM
To: Kevin Lakey (WD37); Cyndi WD37
Subject: Comment Letter for Eagle Creek Irrigation Co.
Attachments: Comment letter to WD37 for 83331.pdf; Eagle Creek Irrigation Co T#83331.pdf

Good afternoon,

Attached is an application for transfer currently being processed within your Water District. Please review the information and provide any necessary comments within 21 days. *Please note, this application does not require a legal notice to be published in the local newspaper.*

Feel free to contact our office if you have any questions regarding this application.

Thank you in advance,

Denise

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

June 18, 2019

WATER DISTRICT #37 *via e-mail*
KEVIN LAKEY
107 W 1ST ST
SHOSHONE ID 83352

RE: Transfer No. 83331
Water Right No(s). 37-863E

Dear Kevin:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, 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 water master, 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's regional offices 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
Administrative Assistant

Enclosure(s)

MEMORANDUM

Date: June 10, 2019
To: Eagle Creek Irrigation Co Transfer 83331 File
From: Kent Aasa
Re: Evaluation of Sufficiency of Information Submitted

The application for transfer proposes to simply correct PLSS descriptions of the Points of Diversion (POD) for water right 37-863E and the corrections will have no effect on the original or hydraulically connected water source or affect other water rights. This transfer application does not propose any physical POD changes or any changes to the Place of Use (POU). The POU is located approximately 5.5-5.8 miles north and 1.0-1.6 miles west of the Highway 75 and Sun Valley Road intersection in Ketchum. The proposed transfer is in Water District 37 so Watermaster comments will be solicited.

- **Authority to File:** An email (05/08/2019) from Everett Davis indicates the applicant has authority to execute the transfer involving water right 37-863E in this transfer.
- **Water Right Validity:** Water Right 37-863E was decreed in the SRBA on 07/29/2011. Recent aerial and satellite imagery indicate that the property involved with this transfer appears to be irrigated. Forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:** None anticipated. The transfer simply updates the PLSS descriptions of the points of diversion. There are no anticipated effects with regard to other water rights.
- **Enlargement of Use:** None anticipated.
- **Local Public Interest:** No issues anticipated. Due to the lack of effects, or impacts, to other water rights as outlined in section 42-222, Idaho Code, advertising is not necessary.
- **Beneficial Use/Conservation of Water Resources:** Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:** None Anticipated
- **Effect of the Agricultural Base of the Area:** None Anticipated

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

MEMORANDUM

Date: June 10, 2019
To: Transfer 83331
From: Kent Aasa
Re: Legal Notice Not Required

Legal Notice Not Required
6/10/2019

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application application simply correct PLSS descriptions of the Points of Diversion and have no effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAY 08 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION

May 2nd, 2019

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

RE: Eagle Creek Irrigation Company; POD Application for Transfer.

Dear Corey,

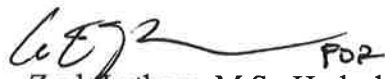
On behalf of the Eagle Creek Irrigation Company (Company), Brockway Engineering is submitting an Application for Transfer of Water Right-Point(s) of Diversion which proposed to correct the Public Land Survey System (PLSS) description for the existing points of diversion. The PLSS has changed in the area of the Company's existing points of diversion and therefore, a transfer is needed to correct the PLSS for the existing points of diversion. Please note that the Company has not changed any physical point of diversion, nor did the Company seek to have the PLSS changed that is associated with their points of diversion.

Also included is a check from Brockway Engineering in the amount of \$50.00 to cover both the water right transfer application processing fee per 42-221.O.8. Please copy our office on all correspondence regarding this water right transfer application. Don't hesitate to call our office should you have any further questions or comments. Thanks for your time and assistance on this matter.

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

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

Regards,


Zach Latham, M.S., Hydrologist

Enclosures: (1) Application for Transfer of Water Right and Map, Email
Authorizing Signature.
(1) Brockway Engineering Check # 15321

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Cc: Mr. Everett Davis
Mr. Robert Stevens

Zach Latham

From: everett davis <evdavis65@icloud.com>
Sent: Friday, April 19, 2019 4:02 PM
To: zach.latham@brockwayeng.com
Cc: egphillips@fs.fed.us; robertgstevens7@icloud.com
Subject: Eagle Creek Irrigation Company

Please note this email is written in approval that Robert Stevens Director of Eagle Creek Irrigation Company has full approval to execute Documents on behalf of the Company Respectfully Everett Davis President

Sent from my iPad

RECEIVED

MAY 08 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION