

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 83485

RECEIVED

JUL 03 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION

MINIMUM 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) Eccles Flying Hat Ranch, LLC

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

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

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

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

DEPT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant(s) Eccles Flying Hat Ranch, LLC Phone 801-246-5329
Mailing address P.O. Box 3028; Salt Lake City, UT 84110 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**.

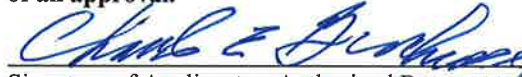
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Erick Powell Phone 208-736-8543
Mailing address 2016 Washington Street North, Suite 4; Twin Falls, ID 83301 Email erick.powell@brockwayeng.co

- ☐ 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 of Applicant or Authorized Representative

Charles E. Brockway, POA
Print Name and Title if applicable

1/18/2019
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

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 Remove Point of Diversion

2. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.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**.

Approved transfer no. 68526 required 1.4 cfs to be left in the Hiawatha until the 1.4 cfs is not needed for mitigation.

Supporting documentation supports the conclusion that the mitigation water is no longer needed and should revert back to the owner of the water right for its original use.

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Spencer Eccles of Eccles Flying Hat Ranch, hereby nominate and appoint Charles E. Brockway as my attorney-in-fact with full authority to act for and on my behalf to undertake any and all acts or matters pertaining to water right transfers before the Idaho Department of Water Resources for the following water right transactions:

All water rights relating to Eccles Flying Hat Ranch.

in Blaine County, Idaho. Additionally, I hereby ratify and confirm any and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the applications, and transfers above-mentioned. Further, I hereby declare that each and every application, transfer, agreement, receipt, or payment which shall be by my said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these present. This Limited Power of Attorney will become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 4th day of March 2010.

Spencer Eccles

Signature

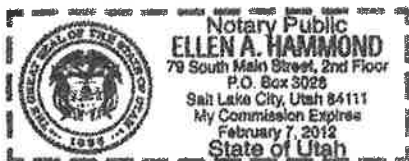
Signature

State of ~~Idaho~~ Utah)
County of Salt Lake) ss.

On this 4th Day of March, 2010, before me, a Notary Public in and for said County and State, personally appeared SPENCER F. ECCLES, known or identified to me to be the individual whose name and subscription to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

S
E
A
L



Ellen A. Hammond

Notary Public

In and for said State and County

February 7, 2012

My Commission Expires

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 ☐ ☒	37-577BP	1.4 / --	Irrigation	4/15 to 10/31	Big Wood River & Malad R
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.4 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.4 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		SE	SW	NE	16	2N	18E	Blaine	Big Wood River	Cove Canal
		SE	NE	SE	22	3N	18E	Blaine	Big Wood River	Existing POD

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

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

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

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

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

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
PODs are existing PODs for other water rights that have the required measuring devices and lockable controlling works.
- b. Who owns the property at the point(s) of diversion? City of Hailey (Section 16) and Applicant (Section 22)
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Existing PODs
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____
- It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
NA
- 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:
See attached documentation
- 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:

See attached documentation

Page 6 of

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

Current Water Right No.: 37-577bp

Current Owner: ECCLES FLYING HAT RANCH LLC
Priority Date: 3/24/1883
Origin: Water Right
Status: Active
Basis: Decreed

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

	<u>From</u>	<u>To</u>
IRRIGATION	04/15	10/31
MITIGATION	04/15	10/31

Total Diversion

Diversion Rate

5.6 CFS

1.4 CFS

7 CFS

Annual Volume

Location of Point(s) of Diversion

BIG WOOD RIVER
BLAINE County
BIG WOOD RIVER
BLAINE County
BIG WOOD RIVER
BLAINE County

SE1/4SW1/4NE1/4

Sec. 16, Twp 02N, Rge 18E B.M.

SE1/4NE1/4SE1/4

Sec. 22, Twp 02N, Rge 18E B.M.

SW1/4NW1/4

Sec. 20, Twp 03N, Rge 18E B.M.

Place of Use

IRRIGATION Within BLAINE County

T02N R18E S15	SESW	0.30	T02N R18E S15	SWSE	4.50
T02N R18E S22	NENE	9.00	T02N R18E S22	NWNE	31.00
T02N R18E S22	SWNE	2.80	T02N R18E S22	SENE	36.00
T02N R18E S22	NENW	0.60	T02N R18E S22	NESE	32.00
T02N R18E S23	SWNW	21.00	T02N R18E S23	NESW	14.00
T02N R18E S23	NWSW	40.00	T02N R18E S23	SWSW	40.00
T02N R18E S23	SESW	38.00	T02N R18E S23	SWSE	11.00
T02N R18E S23	SESE	8.00	T02N R18E S25	NWNW	26.00
T02N R18E S25	SWNW	40.00	T02N R18E S25	SENE	5.90
T02N R18E S25	NESW	26.00	T02N R18E S25	NWSW	25.00
T02N R18E S25	SWSW	3.40	T02N R18E S25	SESW	15.00
T02N R18E S26	NENE	38.00	T02N R18E S26	NWNE	35.00
T02N R18E S26	SWNE	40.00	T02N R18E S26	SENE	32.00
T02N R18E S26	NENW	40.00	T02N R18E S26	NWNW	29.00
T02N R18E S26	SENE	32.00			

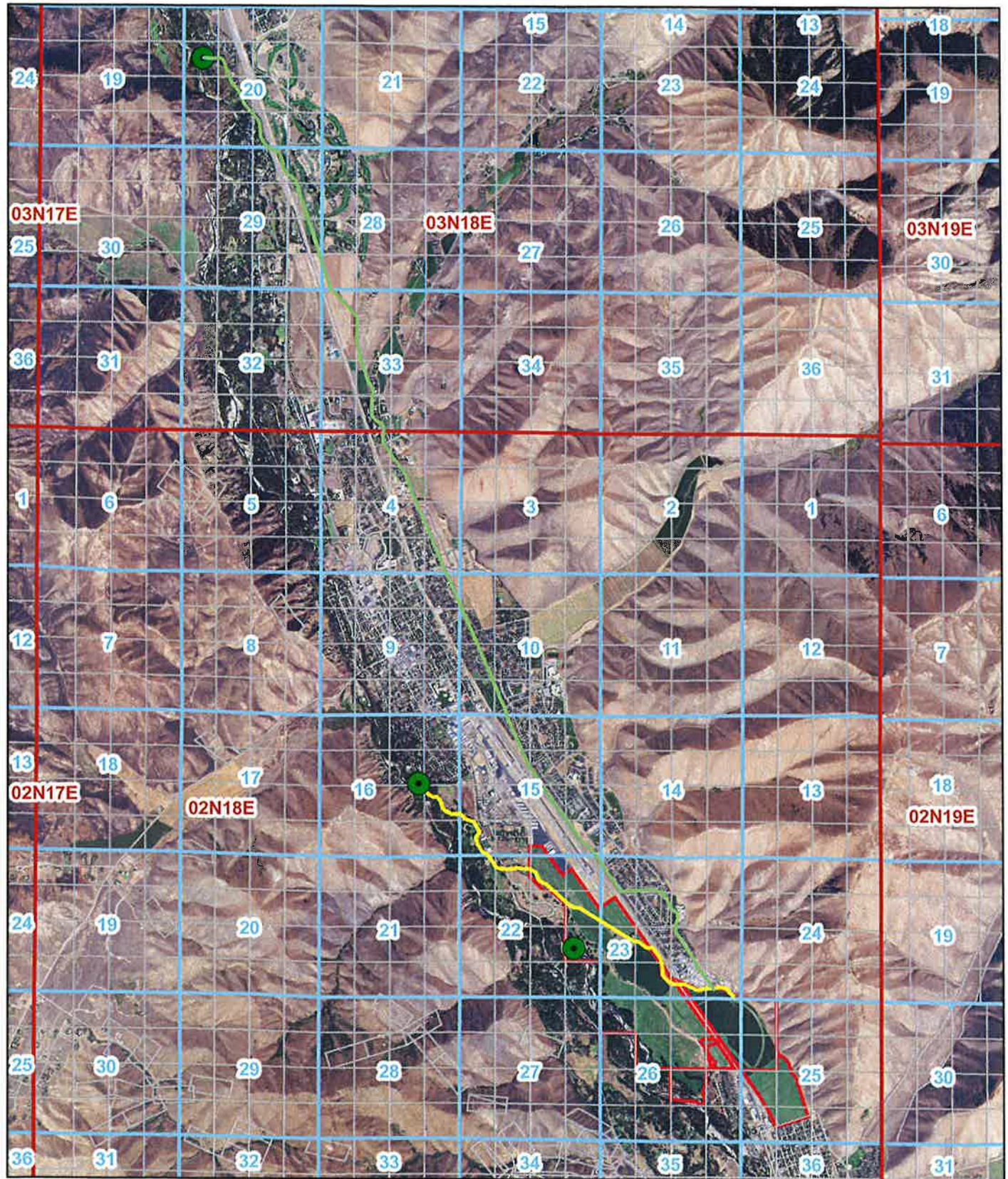
Total Acres: 675.5

MITIGATION Within BLAINE County

T02N R18E S15	SWSW	T02N R18E S15	SESW
T02N R18E S22	NENE	T02N R18E S22	NWNE
T02N R18E S22	SWNE	T02N R18E S22	SENE
T02N R18E S22	NENW	T02N R18E S22	NESE
T02N R18E S23	SWNW	T02N R18E S23	NESW
T02N R18E S23	NWSW	T02N R18E S23	SWSW
T02N R18E S23	SESW	T02N R18E S23	SWSE
T02N R18E S23	SESE	T02N R18E S25	NWNW
T02N R18E S25	SWNW	T02N R18E S25	NESW
T02N R18E S25	NWSW	T02N R18E S25	SWSW
T02N R18E S25	SESW	T02N R18E S26	NENE
T02N R18E S26	NWNE	T02N R18E S26	SWNE
T02N R18E S26	SENE	T02N R18E S26	NENW
T02N R18E S26	NWNW	T02N R18E S26	SENE

Conditions of Approval:

1. T19 Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. 004 This right does not grant any right-of-way or easement across the land of another.
3. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation or is otherwise no longer necessary for such mitigation. The right holder retains ownership of the 1.40 cfs portion of this right diverted into the Hiawatha Canal.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. R05 Use of water under this right will 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.
6. X35 Rights 37-483D and 37-577BP when combined shall not exceed the irrigation of 523 acres.
7. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
8. R43 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).
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 41720.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.
11. 206 Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-2713, 37-7356, 37-11975, 37-11976, 37-11977, and 37-11978 are limited to the irrigation of a specific 596 acres within the 675.5 acre place of use in a single irrigation season. The specific 596 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right and are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the Department. Before changing the 596 acres to be irrigated within the 675.5 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
12. X35 Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 when combined shall not exceed a total diversion rate of 26.74 cfs, a total annual maximum diversion volume of 4172 af at the field headgate, and the irrigation of 596 acres.



0 0.3 0.6 1.2 Miles

**FLYING HAT RANCH
POINTS OF DIVERSION
NAIP 2013 AERIAL**

- Legend**
- Hiawatha_Canal
 - Cove_Canal
 - 37-577BP
 - FLYING_HAT PARCELS



BROCKWAY ENGINEERING, PLLCP
GEP - Date: 6/27/2019

TRANSFER 83485

Narrative for Application for Transfer

Water Right no. 37-577BP

Eccles Flying Hat Ranch, LLC

Brockway Engineering, PLLC

GEP, PE – June 27, 2019

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DEPT OF WATER RESOURCES
SOUTHERN REGION

The following information is included with this transfer:

1. Letter from Dr. Charles E. Brockway to Director Spackman dated August 5, 2015.
 - a. Enclosed with this letter was a report prepared by Brockway Engineering regarding the history of water right no. 37-577BP
2. A meeting occurred between Dr. Brockway, Mr. Evan Robertson, and Director Spackman in August 2015. Dr. Brockway summarized this meeting in a letter dated August 31, 2015.
3. Letter from Director Spackman to Dr. Brockway dated September 16, 2015 regarding this water right.
 - a. In this letter, IDWR identified that when water rights are cut to a priority date of 3/24/1883 that a shortfall of 0.65 cfs exists even with the 1.4 cfs mitigation water from water right no. 37-577BP. The spreadsheet used in IDWR analysis is included with this material, however an electronic version can be provided.

This short memo addresses the IDWR shortfall referred to in Director Spackman's letter as requested by IDWR.

IDWR identified 6.903 cfs (with priorities greater to or equal to 3/24/1883) that are either decreed seepage water rights owned by the Hiawatha Canal or are private rights that were transferred out of the Hiawatha Canal and have been required to leave a portion of their rights in the Hiawatha Canal for mitigation. The shortfall identified by IDWR is the difference between the calculated seepage that occurs in the Hiawatha performed by Mr. Allen Merritt that quantified the seepage to be 7.55 cfs and the mitigation water of 6.903 cfs, which calculates to be 0.647 cfs (rounded up to 0.65 cfs).

The shortfall of this analysis is that no seepage is attributed to the water rights still delivered through the Hiawatha Canal. Delivery of water through a canal system will result in water seepage and loss of water delivery to the canal headgate. The estimate that has been used by IDWR for transfers in the past is that 20% of the water right diverted at the Hiawatha Headgate is lost from the canal through seepage. Therefore, if the water rights with equal priority date to water right no. 37-577BP have a 20% loss, then the available mitigation water for seepage is substantially higher than calculated by IDWR. And the 1.4 cfs of water right no. 37-577BP is not needed to provide irrigation water to the canal headgates. It is not reasonable or equitable to assess one water right holder a 20% loss, while other water right holders with the same priority date (or worse, if we were to exam 1884+ water rights) in the canal are delivered their entire water right at the field headgate.

Table 1 shown below presents data to support that statement. If the total seepage water available from 1883 water rights is 10.94 cfs, then IDWR can authorize 1.4 cfs of water right no. 37-577BP to be moved to the Cove Canal without any additional burden to existing Hiawatha Canal users and still cover the calculated seepage from the Hiawatha Canal of 7.55 cfs with the remaining 9.54 cfs.

Table 1. Hiawatha Canal water rights by priority with calculated seepage in the Hiawatha Canal.

Priority Date	Flow Rate	20% Seepage	Mitigation Water	Total Seepage Water
5/1/1881	2.8 cfs	0.56 cfs	0 cfs	0.56 cfs
3/24/1883	20.20 cfs	4.04 cfs	6.90 cfs	10.94 cfs
Total				11.50 cfs



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

COPY

RECEIVED

AUG 10 2015

DEPARTMENT OF
WATER RESOURCES

August 5, 2015

Mr. Gary Spackman, Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Water Right 37- 577BP Eccles Flying Hat Ranch
Project No. 275-13-2013

Dear Gary:

Water right 37-577BP, owned by Eccles Flying Hat Ranch resulted from the transfer of irrigation water rights from the Hiawatha Canal diverting from the Big Wood River north of Hailey to the Cove Canal, diverting just north of Bellevue for use on the Flying Hat Ranch. The Transfer filed with IDWR in 2000 was necessitated by the obstruction of the south end of the Hiawatha Canal by the Hailey airport construction resulting in the inability of the Flying Hat Ranch to continue receiving irrigation water through the Hiawatha Canal.

It was determined by IDWR that removal of the 7.0 cfs diversion of this right from the Hiawatha Canal would result in a decrease in the "carrying water (seepage) in the Hiawatha canal and a shortage of irrigation water from the canal to the other water users." As a result, IDWR required, as a condition of the transfer, that 20% of the water right discharge in the canal should remain in the canal to 'mitigate for seepage losses.' Therefore, 1.4 cfs of the 7.0 cfs allowed irrigation water under water right 37-577BP (condition #3) was to continue to be diverted into the Hiawatha canal and 5.6 cfs was to be diverted from the Big Wood River downstream at the Cove Canal diversion and thence to Flying Hat Ranch.

A seepage analysis was conducted by Allen Merritt of your office in 2001 and updated by Allen in 2008. The update showed a decrease in seepage in the canal as a result of lining of a portion of the canal by the Valley Club in connection with new golf course construction. This analysis, using the Worstell method as outlined in the IDWR Hubbel Report, showed that the seepage rate in the canal had reduced from 9.14 cfs in 2001 to 7.55 cfs in 2008 using the same analysis procedure.

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

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

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WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

A review conducted in 2015 by Brockway Engineering of the IDWR water rights database shows that the authorized discharge under water rights owned by the Hiawatha Canal and specifically utilized for seepage mitigation is 8.539 cfs and that an additional 0.40 cfs of private water rights are dedicated to seepage mitigation (Brockway 2015 Hiawatha Canal Seepage Evaluation).

This analysis shows that the Hiawatha Canal Company owns water rights for seepage mitigation in excess of the water rights necessary to mitigate for the estimated seepage in the canal. Condition 3 of water rights 37- 577BP states that "A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal until such time as the canal ceases operation or is otherwise no longer necessary for such mitigation. The right holder retains ownership of the 1.40 cfs portion of this right diverted into the Hiawatha Canal."

The Hiawatha Canal Company has successfully obtained ownership of water rights to "mitigate for seepage" from the canal. In 2012, the Company was partially decreed water right 37-577B for mitigation for seepage which was subsequently decreed. Similarly, in 2012 the Company was partially decreed water rights 37-22630, 37-22631, 37-22632 and 37-22633 which were 'limited to the conveyance losses associated with a delivery of water' by the Hiawatha Canal Water Users Association of Lateral or Laterals.

In addition to the water rights owned by the Hiawatha Canal which are specifically utilized for seepage mitigation, there are additional private water rights which have been required to continue to be diverted into the Hiawatha canal when water rights were transferred out of the canal.

Indian Creek is tributary to the Hiawatha canal upstream of the Indian Creek road and flows into the canal as high as 10 cfs have been observed or measured at the confluence. This discharge is not counted as mitigation for seepage by IDWR or the Watermaster. The available flow in the Hiawatha Canal for mitigation for seepage is, therefore, significantly in excess of the operational seepage in the Hiawatha Canal.

On March 26, 2015, We requested that the 1.4 cfs of irrigation water right 37-577BP, which is no longer necessary for Hiawatha Canal seepage mitigation, be returned back to the Flying Hat Ranch for delivery through the Cove Canal. Reading of condition three (3) of water right 37-577BP indicates that the intent of that condition was to assure no injury to existing water rights being conveyed in the Hiawatha Canal as long as the seepage water was needed.

It is significant that:

1. The ownership of all of the water right 37-577BP remains as Eccles Flying Hat Ranch LLC.
2. The 1.4 cfs required to remain diverted into the Hiawatha Canal has been diverted consistently since the approval of Transfer 68526 (Watermaster District 37).
3. A request by Hiawatha Canal for IDWR to conduct additional seepage evaluations on the Hiawatha canal was denied by IDWR (Allen Merritt, 1/9/2001).
4. The designated place of use of the 1.4 cfs of water right 37-577BP is the entire Flying Hat Ranch allowed acreage and not the Hiawatha Canal.
5. The Cove Canal is approximately 2.95 miles long and the estimated seepage loss (Worstell method) is 2.4 cfs. Seepage loss due to the additional 5.6 cfs is not currently mitigated.

On April 8, 2015, Allen Merritt, Regional Manager of IDWR in Twin Falls responded to the March 26, 2015 request and indicated that it was determined by Boise IDWR staff that there was insufficient evidence presented in the March 18 request to effect a change in water right 37-577BP. The letter also indicated an approved formal transfer under 42-222 would be required in order to return the 1.4 cfs of water right 37-577BP to the Cove Canal as indicated in Condition #3 of the water right. This was not the understanding which Flying Hat Ranch personnel, Mr. Spencer Eccles, Evan Robertson, attorney for Flying Hat Ranch, or I had when the negotiations were conducted. Condition 3 in water right 37-577BP is specific to the criteria for return of the water to its original use and should not require a lengthy, expensive water right transfer proceedings. It was the intent of the language agreed upon for water right 37-577BP, to facilitate the mitigation of any potential injury to Hiawatha Canal water users and to facilitate the return of the mitigating water to the original water right owner when warranted. The fact that the place of use and points of diversion for the mitigation component of the water right are on Flying Hat Ranch emphasizes the intent of the conditions.

I am therefore requesting that you not require a transfer to return the 1.4 cfs to the Cove Canal as part of water right 37-577BP.

Thank you for your prompt attention to this matter.

Sincerely

A handwritten signature in cursive script, appearing to read "Charles E. Brockway".

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

Encls: Water Right 37-577BP
Brockway Engineering Report

cc: Kevin Lakey-Watermaster District 37
Evan Robertson
Marc Reinemann

Project No. 275-23-2013

Hiawatha Canal Seepage Evaluation

Prepared for:

Flying Hat Ranch, Eccles
Hailey, Idaho

March 20, 2015

For information concerning this report, contact
G. Erick Powell, Ph.D., P.E.
Charles E. Brockway, Ph.D., P.E.



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SUITE 4
TWIN FALLS, IDAHO 83301



Project No 275-13- 2013

Hiawatha Canal Seepage Evaluation

Prepared for:

Flying Hat Ranch-Eccles
Hailey, Idaho

Revised January 13, 2015

For information concerning this report, contact

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Hiawatha Canal Seepage Evaluation

Prepared by: G. Erick Powell
Brockway Engineering, PLLC
Date: July 23, 2014 Revised January 13, 2015

A. Hiawatha Canal Overview

The Hiawatha Canal, a private ditch company, delivers individually held water rights through its system to the decreed place of use. The canal diverts water from the Big Wood River approximately 4 miles north of Hailey, Idaho near Zinc Spur. The canal serves about 44 users, which includes the area east of Highway 75 extending south through the City of Hailey (Figure 1). A total of 22.7 cfs of individual water rights with early priorities of 1883 or earlier have been delivered through this canal with an average discharge of 30 cfs and peak discharges over 40 cfs, according to records of Water District 37 (Appendix E). The Hiawatha Canal is 5.0 miles long with average width of 13.3 feet. The Hiawatha Canal historically provided irrigation water south of Hailey to the Flying Hat Ranch south of the Hailey Airport. The City of Hailey cemetery pump is currently the last diversion from the canal.

B. Water Right Transfer of 37-577BP

Water right no. 37-577BP, part of the Riley water right, is owned by Eccles Flying Hat Ranch, LLC and was originally delivered through the Hiawatha Canal to the Ranch property. It is unclear when, but sometime in the past, IDWR changed the Riley water right numbers in an attempt to eliminate confusion with multiple split suffixes. Water right no. 37-577BP was changed to 37-30001 and 37-30002. When the Hailey airport expanded, it prevented the Hiawatha Canal from delivering water to Flying Hat Ranch. Because of the new airport, a water right transfer was submitted to IDWR on May 24, 2000 to change the point of diversion of WR no. 37-30001, 37-30002, and 37-00917 from the Hiawatha Canal to the Cove Canal. The transfer was advertised in the Wood River Journal on October 10, 2000 and October 25, 2000. No protests were recorded

within the protest period. IDWR requested additional information regarding the canal from Dave Cropper, Hiawatha Canal Company, on November 21, 2000, which would allow IDWR to complete a seepage analysis and determine what portion of the above named rights would be required to remain in the canal as conveyance loss.

On December 1, 2000 a letter was sent to IDWR by Fritz Haemmerle requesting a re-noticing of the water right transfer to allow the Hiawatha Canal Company the opportunity to protest the transfer. In this letter, Mr. Haemmerle states that his clients were deprived of an opportunity to file protest because they were confused with the water right re-numbering of the Riley right (37-577BP) and therefore did not recognize the rights being transferred. Mr. Haemmerle further requested a thorough analysis by IDWR of the conveyance losses in the canal.

Allen Merritt, IDWR, reviewed the transfer and IDWR actions; he determined that IDWR adequately and correctly noticed the transfer and that the department would not consider re-noticing the transfer, as requested by Mr. Haemmerle. This determination was sent to Mr. Haemmerle on December 8, 2000. In this correspondence, Mr. Merritt again requested the canal data from Mr. Cropper to allow IDWR to conduct a thorough canal seepage analysis, as requested by Mr. Haemmerle.

Mr. Haemmerle replied to IDWR on December 27, 2000 and again requested that IDWR complete an analysis of conveyance losses on the canal. He cited canal seepage results from a previous transfer; the transfer resulted in 50% of the water right being transferred declared as conveyance loss and was to remain in the canal. Based on this previous transfer, Mr. Haemmerle requested that 50% of the Eccles water remain in the Hiawatha Canal as conveyance loss.

Mr. Merritt sent another letter to Mr. Haemmerle on January 9, 2001 that stated IDWR's intent to complete a seepage analysis of the Hiawatha Canal based on methodology outlined in the Hubble Report. The letter stated that IDWR would complete the analysis, "as soon as weather permits." Mr. Merritt stated in his letter that he would share the results of the analysis with the interested parties prior to finalizing the recommendation to the state office.

Allen Merritt sent a letter report on February 12, 2001 to all interested parties with the initial Hiawatha Canal conveyance loss estimates based on the Hubble Report and data collected by IDWR. In this report, Mr. Merritt used a spreadsheet analysis to determine the conveyance loss appurtenant to a water right holder based on the location of the diversion from the canal as well as the amount of water held in the canal by the water right holder. Mr. Merritt determined that the Hiawatha Canal lost 9.14 cfs . The 2001 Hubble Analysis spreadsheet can be found in Appendix A.

Based on the Hubble analysis, IDWR proposed that 20% of Mr. Eccles water right to be left in the Hiawatha Canal as conveyance loss or 1.4 cfs out of the 7.00 cfs (WR No. 37-577BP). IDWR held several meetings with interested parties to discuss the methodology and data used for the seepage analysis.

The renumbering of the old Riley water right from 37-577BP to 37-30001 and 37-30002 was retracted at some point, in the SRBA or in a transfer proceeding. It appears that the transfer filed on May 24, 2000 was never approved; a second transfer (transfer no. 68526) was filed on June 15, 2001, which included the movement of WR 37-577BP and 37-917 from the Hiawatha Canal to the Cover Canal and included the formation of a permissible place of use (PPU). The transfer filed in May, 2000 had the renumbered water rights (37-30001 and 37-30002) and the second transfer had the water right no. as 37-577BP.

IDWR approved the second transfer on May 6, 2002 with the condition that 1.4 cfs (20% of the analysis from IDWR) from WR No. 37-577BP be left in Hiawatha Canal. This condition was erroneously placed on every water right involved with transfer no. 68526. IDWR issued a revised approved transfer on June 3, 2002 with the condition to leave 1.4 cfs in the Hiawatha Canal only on WR No. 37-577BP.

The condition placed on water right 37-577BP(Appendix D) has the following language:

A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and

37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation or is otherwise no longer necessary for such mitigation. The right holder retains ownership of the 1.40 cfs portion of this right diverted into the Hiawatha Canal.

This condition clarifies that the ownership of this portion of the water right is to be retained by the right holder, in this case Eccles Flying Hat Ranch, LLC. The condition also instructs that the mitigation portion of water right no. 37-577BP should be diverted to the Hiawatha Canal until the mitigation is no longer necessary.

C. Hiawatha Canal SRBA Partial Decrees

The Hiawatha Canal filed three water right claims with the SRBA court in 1988. The basis for water right nos. 37-577B, 37-12097, and 37-12098 was based on a decree issued on 6/27/1925 that allowed for water from the Big Wood River to be diverted into the Hiawatha Canal to compensate for canal seepage. Upon review of the adjudication claims and water use, IDWR recommended that water right no. 37-577B be recommended and this water right was partially decreed in the SRBA on 6/29/2012. Amended adjudication claims for water right nos. 37-12097 and 37-12098 were recommended by IDWR to be disallowed on 1/3/2011 in an amended director's report. The Hiawatha Canal water users filed an objection to the disallowance of these claims.

Several meetings and status conferences were held between IDWR and the Hiawatha Canal. On May 2, 2012, Hiawatha Canal filed SF-5 with the SRBA court agreeing to the disallowance of water right claim nos. 37-12097 and 37-12098. The Hiawatha Canal agreed to the disallowance of these claims with the understanding that the canal company could object to all the disallowed rights claimed to be delivered through the Hiawatha Canal and that the canal could obtain the portion associated with each right that would be considered conveyance loss. The Hiawatha Canal filed four late claims with the SRBA court for disallowed water rights claimed to be delivered through the Hiawatha for 20% of the original diversion rate for seepage loss.

The four late claims were identified with water right nos. 37-22630, 37-22631, 37-22632, and 37-22633. These four late claims were reviewed by IDWR and recommended in the

Amended Director's Report. On 6/29/2012, partial decrees were filed for these late claims. Water right no. 37-22630 was partially decreed for 1.467 cfs, water right no. 37-22631 was partially decreed for 3.372 cfs, water right no. 37-22632 was partially decreed for 0.6 cfs, and water right no. 37-22633 was partially decreed for 0.36 cfs (Table 2).

In total, the Hiawatha Canal holds partial decrees for 8.539 cfs of mitigation water rights from the Big Wood River. Since these rights are non-consumptive, they should not be curtailed by priority date, but should continue to serve the purpose of conveying water through the Hiawatha Canal as long as the Hiawatha Canal is functioning and delivering the allotted water rights. A graph of the average and maximum water delivery to the Hiawatha Canal from 2000 to 2013 is shown in Figure 2.

D. Seepage Mitigation from Other Water Rights

Other private water right holders who had water delivered through the Hiawatha Canal have transferred their water out of the Hiawatha for one reason or another. A search of the IDWR database revealed at least seven rights that have mitigation as a nature of use, and the conditions indicate that the mitigation is for seepage in the Hiawatha Canal after the right had been moved. Table 1 contains a list of these other mitigation rights, the mitigation flow rate, and condition in the right. There are approximately 0.4 cfs of mitigation flow rate identified in Table 1.

Table 1: Hiawatha Canal Owned Water Rights for Seepage Mitigation

Water Right No.	Priority Date	Mitigation Flow Rate (cfs)	Condition
37-577B	3/24/1883	2.74	The watermaster shall deliver this right into the Hiawatha Canal where it shall not be rediverted. This right is limited to conveyance loss associated with delivery of water by the Hiawatha Canal Water Users Association of Lateral or Laterals through its canal and lateral system.
37-22630	3/24/1883	1.467	
37-22631	4/30/1889	3.372	
37-22632	8/1/1902	0.6	
37-22633	4/1/1940	0.36	
Total		8.539	

Table 2: Private water rights with a mitigation/conveyance loss component for the Hiawatha Canal.

Water Right No.	Owner	Mitigation Flow Rate (cfs)	Condition
37-577CM	Thomas-Stewart Family Trust	0.04	To mitigate for injury to other water users caused by the diversion and use of water under this right, the watermaster shall deliver 0.04 cfs of this right into the Hiawatha Canal where it shall remain undiverted.
37-12818D	Mariana S. Paen Trust	0.05	To mitigate for injury to other water users caused by the diversion and use of water under this right, the watermaster shall deliver 0.05 cfs of this right into the Hiawatha Canal where it shall remain undiverted.
37-20402	Walter Bruce Willis	0.06	The right holder shall retain ownership of Right 37-20402 and 0.06 cfs of that right shall be released by the watermaster of Water District 37 into the Hiawatha Canal and shall remain undiverted from the canal to prevent injury to canal users
37-20616	Henry Burdick	0.02	Diversion of ground water is limited to those times water is available for diversion under this right and priority from the Big Wood River and 0.02 cfs of surface water is actually diverted into the Hiawatha Canal for mitigation purposes.
37-21956	Robert Rohe	0.08	To prevent injury to other water users caused by approval of transfer 73969 the watermaster shall deliver a 0.08 cfs portion of this right for irrigation into the Hiawatha Canal where it shall remain undiverted and used for conveyance loss.
37-22323	Dry Lot, LLC	0.1	The watermaster shall deliver 0.10 cfs of these rights into the Hiawatha Canal for conveyance losses.
37-30000B	Michael Willard	0.05	A portion of Right No. 37-30000B, 0.05 cfs, is limited to use for conveyance losses in delivery of this right.

E. Revised Hiawatha Seepage Analysis

IDWR originally conducted the Hiawatha Canal seepage analysis as evaluation of the transfer involving water right no. 37-577BP, discussed above. Allen Merritt revised his seepage analysis in 2008 after the Valley Club, Inc. built the 'West Nine' golf course. The Valley Club incorporated water features into the existing Hiawatha Canal and lined the canal to prevent further seepage from the water features. The revised seepage analysis also removed the last section of the Hiawatha Canal, which used to serve the Flying Hat Ranch, but is no longer used following the transfer.

The same methodology used for the original seepage analysis was used for the revised seepage analysis. Mr. Merritt concluded that the total seepage from the Hiawatha Canal had decreased from 9.14 cfs in 2001 (Appendix A) to 7.55 cfs in 2008 (Appendix B).

F. Mitigation for Hiawatha Seepage

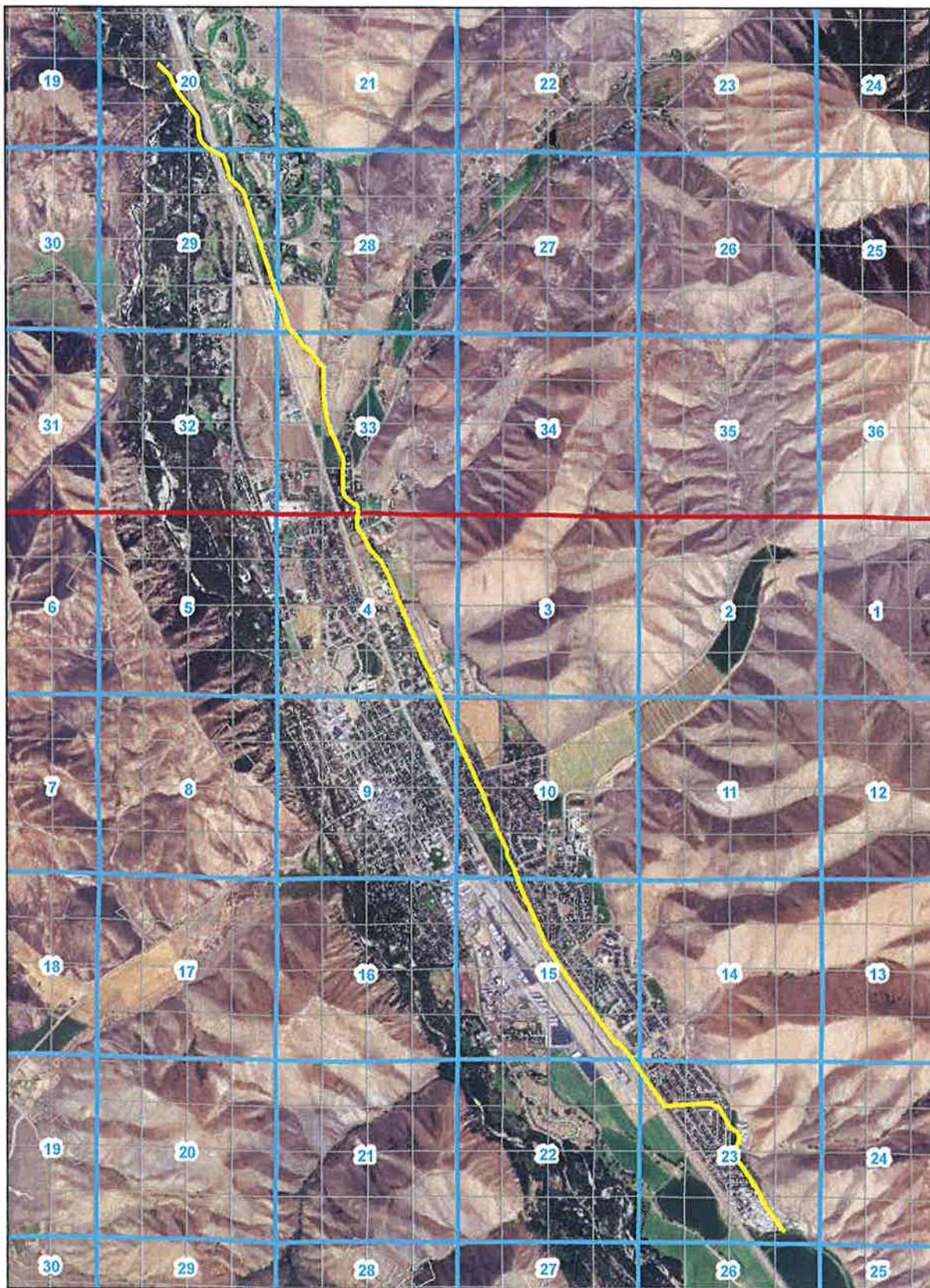
IDWR has determined that the Hiawatha Canal conveyance loss has decreased from 9.14 cfs (2001) to 7.55 cfs (2008). The Hiawatha Canal has obtained 8.539 cfs of partially decreed water rights dedicated to seepage loss. Copies of these water rights from the IDWR are contained in Appendix C. The Hiawatha Canal has more mitigation water rights to cover the conveyance loss in the canal than actual seepage identified by IDWR. This does not include the additional mitigation components of private water rights outlined in Table 1 and does not include the 1.4 cfs from water right 37-577BP..

Our opinion regarding the mitigation of seepage in the Hiawatha Canal is that: according to IDWR, the Hiawatha Canal owns sufficient water rights to mitigate for canal seepage. Mitigation from private water rights should no longer be required. The private water rights are no longer "necessary for such mitigation" and should therefore revert back to the right holders.

G. Nature of Use for Water Right no. 37-577BP

Water right no. 37-577BP is partially decreed for 7.0 cfs with 5.6 cfs for irrigation and 1.4 cfs for mitigation. Considering that the Hiawatha Canal no longer requires mitigation for this right, it is proposed that the mitigation portion of this right be changed to provide mitigation for seepage in the Cove Canal. The mitigation portion of water right no. 37-577BP would not be used for irrigation.

It is estimated that the Cove Canal seepage is approximately 2.4 cfs (Appendix C. The 1.4 cfs portion of right 37-577BP would be used for conveyance loss in the Cove Canal only.



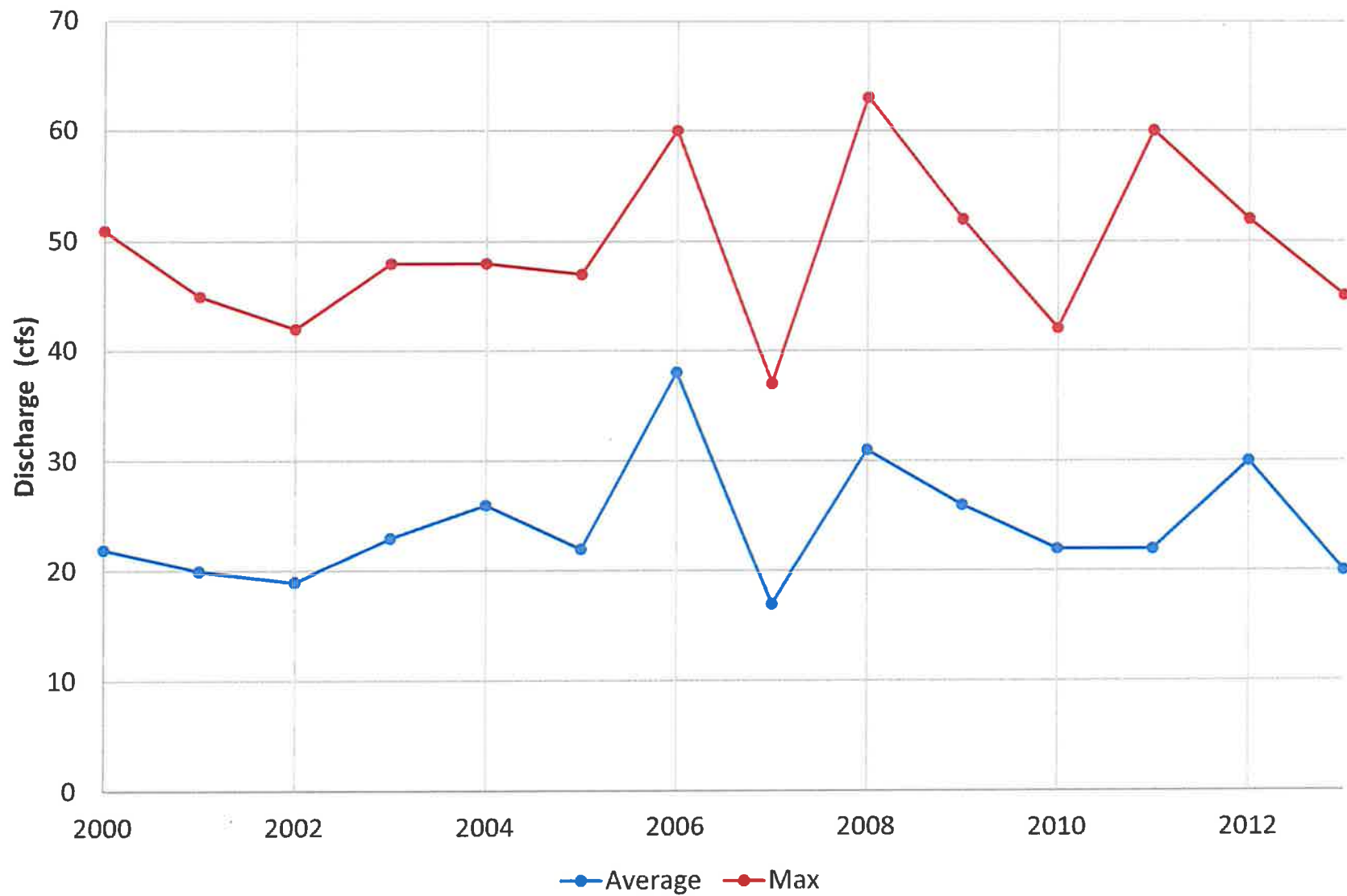
0 1,350 2,700 5,400 Feet

**FIGURE 1: HIAWATHA CANAL
FLYING HAT RANCH
NAIP 2013 AERIAL**

Legend
— canals selection
— Township/Range
— Sections
— QQ



Figure 2: Hiawatha Canal Diversions
Water District 37 data



Appendix A

IDWR Seepage Analysis of Hiawatha Canal 2001

CONVEYANCE LOSS - WORSTELL

NAME OF DITCH: Hiawatha Ditch BY: adm DATE: 02/05/01

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)	DELIVERY LOSS MINUS HIAWATHA RIGHTS FOR LOSS
Decree	900	24.0	10.00	2.73	0.00	29.72	0.0918	0.00	38.89	0.00
1	1910	18.0	3.00	1.30	2.88	29.72	0.0438	0.39	36.16	0.21
2	450	18.0	3.00	0.31	0.04	26.84	0.0114	0.01	31.97	0.00
3	480	18.0	3.00	0.33	0.02	26.80	0.0122	0.00	31.63	0.00
4	430	18.0	3.00	0.29	0.02	26.78	0.0110	0.00	31.28	0.00
5	1770	15.0	2.25	0.75	2.02	26.76	0.0282	0.40	30.97	0.22
6	730	15.0	1.50	0.21	1.45	24.74	0.0084	0.30	28.19	0.16
7	490	15.0	1.50	0.14	0.05	23.29	0.0060	0.01	26.53	0.01
8	1820	15.0	1.50	0.52	0.00	23.24	0.0223	0.00	26.35	0.00
9	1470	15.0	1.50	0.42	0.62	23.24	0.0180	0.16	25.83	0.08
10	4500	14.0	1.28	1.02	0.24	22.62	0.0450	0.07	24.79	0.04
11	680	12.0	1.00	0.10	2.17	22.38	0.0046	0.66	23.54	0.36
12	970	12.0	1.00	0.15	0.04	20.21	0.0073	0.01	21.26	0.01
13	350	12.0	1.00	0.05	0.13	20.17	0.0026	0.04	21.08	0.02
14	440	12.0	1.00	0.07	0.66	20.04	0.0033	0.21	20.89	0.11
15	1860	12.0	1.00	0.28	1.44	19.37	0.0146	0.48	20.16	0.26
16	530	12.0	1.00	0.08	0.82	17.93	0.0045	0.27	18.44	0.15
17	490	12.0	1.00	0.07	0.68	17.11	0.0043	0.23	17.54	0.13
18	460	12.0	1.00	0.07	4.00	16.43	0.0042	1.37	16.78	0.74
19	820	10.0	1.00	0.10	0.82	12.43	0.0083	0.29	12.71	0.16
20	650	7.0	0.66	0.04	1.55	11.61	0.0033	0.55	11.78	0.30
21	1260	4.0	0.66	0.04	0.20	10.06	0.0042	0.07	10.20	0.04
22	2900	4.0	0.66	0.10	2.86	9.86	0.0098	1.06	9.95	0.57
23	1	4.0	0.66	0.00	7.00	7.00	0.0000	2.58	7.00	1.40
TOTALS	26361			9.17	29.72		0.2774	9.17		4.97

REACH = SECTION OF CHANNEL

LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS

AVE WIDTH = AVERAGE TOP WIDTH OF WATER SURFACE IN REACH

SEEPAGE = SOIL SEEPAGE RATE OF REACH

WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD

DELIVERY = TOTAL DELIVERIES IN REACH

DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)

LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT

DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY;
REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH;
IF MULTIPLE RIGHTS WITHIN REACH, DELIVERY LOSSES SHOULD BE
PRORATED BASED ON SIZE OF DELIVERY FOR EACH RIGHT WITHIN REACH

FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

Appendix B
IDWR Seepage Analysis of Hiawatha Canal 2008

CONVEYANCE LOSS - WORSTELL

NAME OF DITCH: Hiawatha Ditch with liner BY: adm DATE: 04/18/08
After moving Cutter to Dry Lot

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)	DELIVERY LOSS MINUS HIAWATHA RIGHTS FOR LOSS
Decree	900	24.0	10.00	2.73	0.00	22.72	0.1201	0.00	30.27	0.00
1	1910	18.0	3.00	1.30	6.52	22.72	0.0574	1.16	27.54	0.30
2	450	18.0	3.00	0.31	0.04	16.20	0.0190	0.01	19.72	0.00
3	480	18.0	3.00	0.33	0.02	16.16	0.0203	0.00	19.37	0.00
4	430	18.0	3.00	0.29	0.02	16.14	0.0182	0.00	19.02	0.00
5	1770	15.0	0.00	0.00	2.02	16.12	0.0000	0.47	18.71	0.12
6	730	15.0	0.00	0.00	1.45	14.10	0.0000	0.34	16.69	0.09
7	490	15.0	0.00	0.00	0.05	12.65	0.0000	0.01	15.24	0.00
8	1820	15.0	0.00	0.00	0.00	12.60	0.0000	0.00	15.19	0.00
9	1470	15.0	1.50	0.42	0.62	12.60	0.0332	0.17	15.19	0.04
10	4500	14.0	1.28	1.02	0.24	11.98	0.0850	0.08	14.15	0.02
11	680	12.0	1.00	0.10	2.17	11.74	0.0088	0.79	12.90	0.20
12	970	12.0	1.00	0.15	0.04	9.57	0.0154	0.02	10.62	0.00
13	350	12.0	1.00	0.05	0.13	9.53	0.0056	0.05	10.44	0.01
14	440	12.0	1.00	0.07	0.66	9.40	0.0071	0.26	10.25	0.07
15	1860	12.0	1.00	0.28	1.44	8.73	0.0323	0.61	9.52	0.16
16	530	12.0	1.00	0.08	0.82	7.29	0.0110	0.36	7.80	0.09
17	490	12.0	1.00	0.07	0.68	6.47	0.0115	0.30	6.90	0.08
18	460	12.0	1.00	0.07	0.36	5.79	0.0120	0.16	6.14	0.04
19	820	10.0	1.00	0.10	0.82	5.43	0.0191	0.39	5.71	0.10
20	650	7.0	0.66	0.04	1.55	4.61	0.0082	0.75	4.78	0.19
21	1260	4.0	0.66	0.04	0.20	3.06	0.0137	0.10	3.20	0.03
22	2900	4.0	0.66	0.10	2.86	2.86	0.0338	1.52	2.95	0.39
TOTALS	26360			7.55	22.72		0.4115	7.55		1.95

4.79

REACH = SECTION OF CHANNEL

LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS

AVE WIDTH = AVERAGE TOP WIDTH OF WATER SURFACE IN REACH

SEEPAGE = SOIL SEEPAGE RATE OF REACH

WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD

DELIVERY = TOTAL DELIVERIES IN REACH

DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)

LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT

DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY;
REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH;
IF MULTIPLE RIGHTS WITHIN REACH, DELIVERY LOSSES SHOULD BE
PRORATED BASED ON SIZE OF DELIVERY FOR EACH RIGHT WITHIN REACH

FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

Appendix C
Seepage Analysis of Cove Canal

CONVEYANCE LOSS - WORSTELL METHOD

NAME OF DITCH: Cove Canal BY: GEP DATE: 03/29/13
Data and Worstell Analysis GEP, Brockway Engineering

REACH NUMBER**		LENGTH	AVG	SEEPAGE	WORSTELL	Estimated Monthly Losses**					
Begin	End	(FT)	WIDTH (FT)	(FT/DAY)	LOSS (CFS)	May	June	July	August	September	
0	1	2891	13.0	1.50	0.71	0.77	0.87	0.84	0.66	0.43	
1	2	2072	7.5	1.50	0.29	0.32	0.36	0.35	0.27	0.18	NEED TO DEFINE REACH LENGTHS
2	3	5697	7.7	1.50	0.83	0.90	1.02	0.98	0.76	0.50	AND WORSTELL SEEPAGE RATE
3	4	906	8.5	1.50	0.15	0.16	0.18	0.17	0.13	0.09	
4	5	518	7.3	1.50	0.07	0.08	0.09	0.08	0.07	0.04	CANAL TERMINATES AT FLYING
5	6	3467	7.8	1.00	0.34	0.37	0.42	0.40	0.31	0.20	HAT PUMPING PLANT EAST OF HW
CANAL WIDTHS FROM FIELD OR AERIAL PHOTOS IF POSSIBLE											
TOTALS		15551			2.40	2.59	2.94	2.82	2.21	1.44	
		2.95 miles									

** Reach delineated by ccb

*** Based on assumed linear seepage response to canal discharge from Watermaster records
See sheet-Delivery Records

REACH = SECTION OF CHANNEL

LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS

AVE WIDTH = AVERAGE TOP WIDTH OF WATER SURFACE IN REACH

SEEPAGE = SOIL SEEPAGE RATE OF REACH

WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD

Appendix D
Water Right 37-577BP

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/14/2015

WATER RIGHT NO. 37-577BP

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ECCLES FLYING HAT RANCH LLC PO BOX 3028 SALT LAKE CITY, UT 84110 (801) 246-5329
Original Owner	SPENCER F ECCLES PO BOX 3028 SALT LAKE CITY, UT 84110 (801)246-5331

Priority Date: 03/24/1883

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	5.6 CFS	
MITIGATION	04/15	10/31	1.4 CFS	
Total Diversion			7 CFS	

Location of Point(s) of Diversion:

BIG WOOD RIVER|SESWNE|Sec. 16|Township 02N|Range 18E|BLAINE County

BIG WOOD RIVER|SENESE|Sec. 22|Township 02N|Range 18E|BLAINE County
 BIG WOOD RIVER|SWNW|Sec. 20|Township 03N|Range 18E|BLAINE County

IRRIGATION Use:
 Acre Limit: 523

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02N	18E	15		SESW	0.3									
				SWSE	4.5									
		22		NENE	9		NWNE	31		SWNE	2.8		SENE	36
				NENW	0.6									
				NESE	32									
		23		SWNW	21									
				NESW	14		NWSW	40		SWSW	40		SESW	38
				SWSE	11		SESE	8						
		25		NWNW	26		SWNW	40		SENE	5.9			
				NESW	26		NWSW	25		SWSW	3.4		SESW	15
		26		NENE	38		NWNE	35		SWNE	40		SENE	32
				NENW	40		NWNW	29		SENE	32			

Place of Use Legal Description: MITIGATION BLAINE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02N	18E	15		SWSW			SESW							
				NENE			NWNE			SWNE			SENE	
		22		NENW										
				NESE										
				SWNW										
		23		NESW			NWSW			SWSW			SESW	
				SWSE			SESE							
				NWNW			SWNW							
		25		NESW			NWSW			SWSW			SESW	
				NENE			NWNE			SWNE			SENE	
		26		NENW			NWNW			SENE				

Total Acres: 675.5

Conditions of Approval:

1. X35 Rights 37-483D and 37-577BP when combined shall not exceed the irrigation of 523 acres.
2. X35 Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 when combined shall not exceed a total diversion rate of 26.74 cfs, a total annual maximum diversion volume of 4172 af at the field headgate, and the irrigation of 596 acres.
A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation or is otherwise no longer necessary for such mitigation. The right holder retains ownership of the 1.40 cfs portion of this right diverted into the Hiawatha Canal.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-2713, 37-7356, 37-11975, 37-11976, 37-11977, and 37-11978 are limited to the irrigation of a specific 596 acres within the 675.5 acre place of use in a single irrigation season. The specific 596 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right and are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the Department. Before changing the 596 acres to be irrigated within the 675.5 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. 206 This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
5. R59 Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 41720.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.
6. Use of water under this right will 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.
7. R05 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).
8. R43 This right does not grant any right-of-way or easement across the land of another.
9. 004 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. T07 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. T08 Pursuant to Section 42-1412(6), Idaho Code, 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 may be
12. T19

determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 08/30/2011

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 37

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 596

Combined Volume Limit: 4172

Combined Rate Limit: 26.74

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Water Supply Bank:

Lessor Name(s):

Lease Status: Active

Lease Amount: Part

Rental Availability: Part

Date Received: 6/15/2011

Lease Begin Date: 6/15/2011

Expiration Date: 12/31/2016

Close

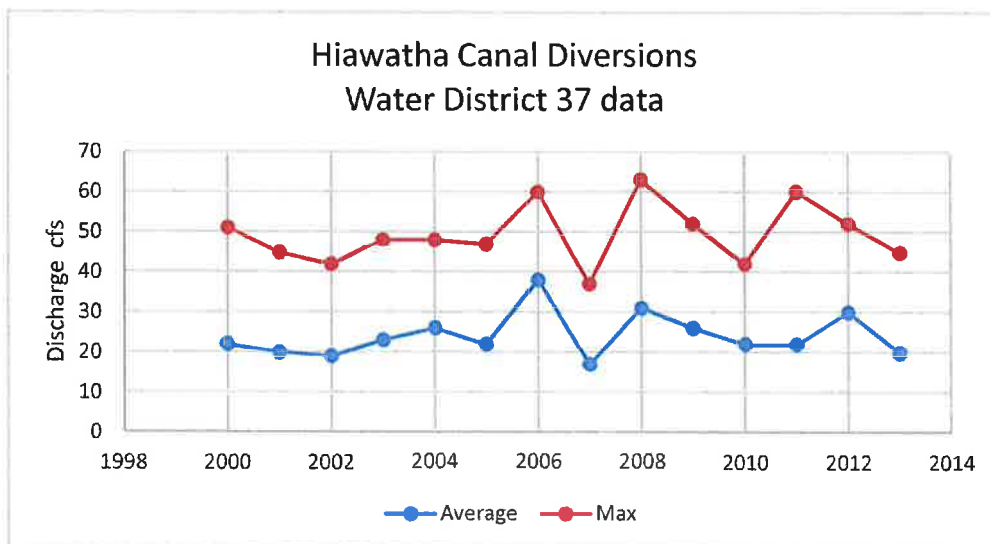
Appendix E
Water District 37 Historic Delivery to Hiawatha Canal

Water Rights Diverted through Hiawatha Canal

Big Wood River Water District 37 Data Compiled by Brockway Engineering, PLLC

Year	Average	Max
2000	22	51
2001	20	45
2002	19	42
2003	23	48
2004	26	48
2005	22	47
2006	38	60
2007	17	37
2008	31	63
2009	26	52
2010	22	42
2011	22	60
2012	30	52
2013	20	45

Avg. 24.1 49.4



Date	April	May	June	July	August	September	Date
1				37	35	15	1
2				36	34	11	2
3				43	31	14	3
4				47	29	19	4
5			5	42	24	24	5
6			5	45	22	21	6
7			4	45	20	19	7
8			5	45	17	17	8
9			6	40	15	16	9
10			5	34	13	15	10
11			4	27	12	15	11
12			4	37	15	14	12
13			3	37	18	13	13
14			2	35	18	10	14
15			2	43	17	9	15
16			6	39	17	8	16
17			17	29	16	8	17
18			22	25	17	8	18
19			27	34	20	8	19
20			3	30	17	8	20
21			40	32	17	8	21
22			49	35	15	8	22
23			51	34	18	7	23
24			43	32	17	8	24
25			45	29	17	7	25
26			45	39	17	7	26
27			40	37	19	7	27
28			41	35	17	7	28
29			41	34	17	6	29
30			42	32	17	6	30
31			39		16	6	31
Total		0	626	1089	594	349	567
Mean		0	23	36	20	11	19
Acre-Ft		0	1239	2156	1176	691	1123

2000 Yearly CFS 3225
 Yearly Acre-ft 6386
 Total no of Days 149
 Yearly Mean 22
 Max 51

Date	April	May	June	July	August	September	Date
1			25	38	29	17	7
2			24	35	26	16	7
3			23	33	24	16	7
4			22	28	23	16	7
5			23	25	23	15	7
6			23	21	23	15	7
7			23	19	22	15	7
8			23	25	22	15	7
9			25	33	26	15	7
10			25	35	30	10	8
11			26	35	28	5	7
12			26	34	24	4	8
13			26	32	22	7	9
14			26	31	21	9	9
15			22	32	21	9	9
16			18	32	19	9	9
17			16	32	20	8	10
18			14	32	19	8	10
19			14	30	17	7	10
20			13	30	17	7	10
21			23	30	15	7	10
22			25	30	15	7	9
23			32	30	13	7	9
24			35	28	12	7	9
25			39	26	11	7	9
26			43	25	9	7	9
27	27		40	28	28	7	10
28	27		45	33	27	7	10
29	26		43	31	26	7	10
30	25		38	30	27	7	10
31			36		23	7	
Total		105	836	903	662	300	257
Mean		26	27	30	22	10	9
Acre-Ft		208	1655	1788	1311	594	509

2001 Yearly CFS 3063
 Yearly Acre-ft 6065
 Total no of Days 157
 Yearly Mean 20
 Max 45

Date	April	May	June	July	August	September	Date
1			17	33	16	22	12
2			18	28	19	21	12
3			19	22	34	20	11
4			20	19	34	19	10
5			19	15	32	17	11
6			18	16	29	17	12
7			18	16	30	16	13
8			16	17	28	16	13
9			15	14	26	16	13
10			13	10	25	16	13
11			11	7	23	17	13
12			10	15	25	15	13
13			12	25	25	15	12
14			16	28	25	15	12
15			21	33	30	15	12
16			21	38	30	17	13
17			22	41	31	17	14
18			26	30	30	16	15
19			32	32	30	16	16
20			31	24	30	14	16
21			29	23	29	13	16
22			22	25	22	12	17
23			18	23	21	12	16
24			15	23	19	12	17
25			13	23	18	12	17
26			12	23	17	12	19
27			13	21	14	12	21
28			18	19	13	13	24
29		13	28	19	12	13	24
30		16	42	19	17	12	24
31			40		19	12	
Total		29	625	681	753	472	451
Mean		15	20	23	25	15	15
Acre-Ft		57	1238	1348	1491	935	893

2002 Yearly CFS 3011
 Yearly Acre-ft 5962
 Total no of Days 155
 Yearly Mean 19
 Max 42

Date	April	May	June	July	August	September	Date
1				25	28	29	16
2				27	23	29	16
3				31	18	30	16
4				27	16	30	16
5				21	10	30	16
6				21	14	29	17
7				24	11	21	17
8				29	24	21	15
9				31	38	21	11
10				31	35	21	12
11				27	33	21	12
12				24	31	21	11
13				24	31	21	11
14				22	30	20	12
15				22	34	18	13
16				16	33	16	13
17				20	33	17	14
18				29	33	16	16
19			18	27	33	16	19
20			22	27	33	14	24
21			24	14	32	16	28
22			28	17	32	15	30
23			39	18	31	17	18
24			48	22	31	16	18
25			41	25	31	16	18
26			39	18	31	16	13
27			29	21	31	16	9
28			33	27	30	16	9
29			32	27	29	16	9
30			31	27	29	16	9
31			28		29	17	
Total			412	721	877	618	458
Mean			32	24	29	20	15
Acre-Ft			816	1428	1736	1224	907

2003 Yearly CFS 3086
 Yearly Acre-ft 6110
 Total no of Days 135
 Yearly Mean 23
 Max 48

Date	April	May	June	July	August	September	Date
1			34	38	41	21	12
2			38	40	39	20	11
3			44	34	36	30	10
4			46	34	36	29	10
5			28	38	34	28	10
6			15	36	34	28	9
7			17	32	18	27	15
8			16	27	17	27	14
9			25	27	25	27	13
10			23	35	22	26	12
11			35	31	21	25	12
12			31	29	28	28	11
13			31	28	28	27	17
14			38	30	27	27	9
15			36	36	28	29	8
16			37	36	27	15	9
17			35	34	27	15	8
18			38	33	25	17	8
19			34	32	28	16	8
20			33	33	25	15	15
21			39	30	24	14	14
22			39	38	26	14	13
23			38	45	26	14	11
24			38	44	25	15	12
25			42	44	23	15	12
26		4	34	45	27	14	11
27		21	34	48	28	14	10
28		37	39	47	25	14	13
29		36	41	46	27	14	13
30		34	39	43	25	13	
31		34	38		29	13	
Total		166	1055	1093	850	631	330
Mean		28	34	36	28	20	11
Acre-Ft		329	2089	2164	1683	1249	653

2004 Yearly CFS 4125
 Yearly Acre-ft 8168
 Total no of Days 158
 Yearly Mean 26
 Max 48

Date	April	May	June	July	August	September	Date
1				21	27	25	10
2				19	27	34	10
3				21	24	33	11
4				18	21	28	10
5				17	27	25	10
6				17	25	20	10
7				15	24	20	10
8				12	30	21	9
9				19	34	20	10
10				17	34	21	11
11				25	35	20	15
12				24	36	20	15
13			6	24	41	20	15
14			7	27	41	20	15
15			8	33	38	20	15
16			22	38	36	20	15
17			47	41	34	20	15
18			29	33	32	20	15
19			30	27	30	19	15
20			7	26	27	18	16
21			4	35	27	17	20
22			17	43	26	15	20
23			20	43	26	12	19
24			19	36	25	12	23
25			16	34	25	12	25
26			15	33	25	14	24
27			21	30	25	13	25
28			22	30	25	12	24
29			24	28	25	7	24
30			23	25	27	6	24
31			22		10	10	25
Total			359	811	889	574	505
Mean			19	27	30	19	16
Acre-Ft			711	1606	1760	1137	1000

2005 Yearly CFS 3138
 Yearly Acre-ft 6213
 Total no of Days 142
 Yearly Mean 22
 Max 47

Date	April	May	June	July	August	September	Date	
1				37	30	39	55	1
2				37	28	36	56	2
3				40	26	35	55	3
4				43	25	34	53	4
5				45	24	32	55	5
6				46	24	31	28	6
7				47	41	32	28	7
8				53	35	30	31	8
9				43	33	28	34	9
10				39	41	28	36	10
11				38	41	41	36	11
12			38	37	43	43	32	12
13			41	35	39	42	31	13
14			42	34	37	37	30	14
15			43	41	35	36	30	15
16			45	39	35	36	35	16
17			47	35	36	35	32	17
18			48	33	57	35	32	18
19			50	30	56	27	31	19
20			51	29	56	32	31	20
21			53	27	54	32	17	21
22			55	37	51	30	16	22
23			56	35	51	32	16	23
24			58	34	53	36	16	24
25			59	34	54	40	15	25
26			60	40	54	45	14	26
27			55	39	50	49	14	27
28			51	37	45	47	14	28
29			47	37	43	48	13	29
30			41	33	41	50	13	30
31			38		39	53	14	31
Total			978	1134	1277	1151	913	
Mean			49	38	43	37	29	
Acre-Ft			1936	2245	2528	2279	1808	

2006 Yearly CFS 5456
 Yearly Acre-ft 10797
 Total no of Days 143
 Yearly Mean 38
 Max 60

Date	April	May	June	July	August	September	Date	
1			27	22	17	11	0	1
2			27	22	17	10	0	2
3			27	22	16	10	0	3
4			26	23	16	15	20	4
5			25	23	16	15	0	5
6			25	23	16	15	17	6
7			24	21	16	14	18	7
8			25	21	16	14	8	8
9			31	21	15	14	9	9
10			33	21	15 4e		8	10
11			34	23	15 4e		11	11
12	6		36	16	15 4e		11	12
13	6		37	16	5 4e		6	13
14	6		37	16	5 4e		6	14
15	6		25	16	7 4e		6	15
16	5		27	16	7 4e		6	16
17	5		33	16	5 4e		6	17
18	5		32	21	5 4e		4	18
19	5		32	21	5 4e		4	19
20	4		33	21	5 4e		16	20
21	3		33	21	11 4e		11	21
22	3		31	20	11 4e		11	22
23	16		31	20	17 4e		12	23
24	24		27	19	17 4e		14	24
25	24		27	19	18 4e		15	25
26	24		27	18	18	9	17	26
27	22		27	18	12	9	17	27
28	23		28	18	12 4e		17	28
29	26		28	17	11 4e		17	29
30	28		28	17	11 4e		17	30
31	29		22		11 4e		18	31
Total		270	905	588	383	136	322	
Mean		14	29	20	13	12	10	
Acre-Ft		535	1792	1164	758	269	638	

2007 Yearly CFS	2604
Yearly Acre-ft	5156
Total no of Days	154
Yearly Mean	17
Max	37

Date	April	May	June	July	August	September	Date
1				37	56	28	16
2				38	59	27	18
3				37	54	27	16
4				37	54	27	16
5				37	56	27	15
6			24	37	55	27	15
7			31	37	53	27	14
8			41	37	53	27	14
9			42	37	51	27	13
10			36	37	54	27	13
11			35	37	39	25	12
12			35	37	44	24	12
13			33	37	43	25	6
14			31	37	43	25	7
15			33	37	29	25	9
16			35	59	31	25	7
17			32	58	33	24	4
18			37	60	33	25	5
19			61	60	32	29	5
20			39	61	32	27	7
21			41	63	32	28	11
22			41	61	33	28	9
23			41	60	34	17	4
24			35	57	34	16	9
25			38	55	33	20	8
26			38	54	33	27	4
27			39	53	32	14	2
28			38	54	32	12	2
29			36	53	33	12	2
30			38	53	33	13	8
31			38		33	13	
Total			968	1417	1266	725	283
Mean			37	47	46	23	9
Acre-Ft			1917	2806	2507	1436	560

2008 Yearly CFS 4659
 Yearly Acre-ft 9225
 Total no of Days 148
 Yearly Mean 31
 Max 63

Date	April	May	June	July	August	September	Date
1			20	36	42	23	25
2			15	38	51	22	22
3			13	52	50	22	19
4			17	48	51	23	18
5			17	41	51	22	18
6			18	38	51	22	17
7			17	36	49	22	20
8			18	35	48	23	21
9			24	24	43	23	21
10			24	26	42	22	20
11			24	25	1	21	12
12			25	33	41	20	12
13			18	33	42	21	12
14			18	31	34	21	11
15			22	27	42	21	10
16	0		22	27	39	20	8
17	0		23	27	39	18	8
18	8		37	25	39	17	13
19	15		45	24	38	16	15
20	25		46	28	37	15	14
21	26		35	27	41	21	10
22	25		33	24	40	21	11
23	22		33	23	29	20	11
24	0		43	23	27	24	13
25	31		43	43	27	23	13
26	16		43	37	27	22	12
27	15		45	33	27	20	12
28	15		44	37	25	18	30
29	15		40	35	25	18	30
30	9		37	30	24	16	18
31			35		24	20	
Total		222	894	966	1186	637	476
Mean		15	29	32	40	21	16
Acre-Ft		440	1770	1913	2348	1261	942

2009 Yearly CFS 4381
 Yearly Acre-ft 8674
 Total no of Days 168
 Yearly Mean 26
 Max 52

Date	April	May	June	July	August	September	Date
1			15	35	19	25	20
2			14	35	19	24	20
3			30	38	19	24	20
4			31	22	19	24	18
5			31	33	27	24	18
6			31	33	27	24	18
7			30	33	27	23	19
8			30	28	26	23	17
9			30	27	26	23	20
10			35	27	26	26	13
11			36	25	26	26	12
12			36	25	26	25	11
13			36	24	25	24	11
14			36	24	24	24	11
15			37	28	23	22	9
16			42	27	23	20	9
17			42	25	23	20	9
18			41	24	3	19	9
19			41	23	22	19	9
20			12	24	21	19	9
21			11	23	21	19	9
22			10	23	7	19	9
23	7	9		23	24	19	9
24	5	7		24	24	19	9
25	3	6		23	24	20	9
26	6	34		24	28	20	9
27	14	36		24	28	20	8
28	12	36		24	27	20	8
29	17	36		24	27	20	8
30	8	36		24	26	20	7
31		36			26	20	

Total	72	893	796	713	674	
Mean	9	29	27	24	22	
Acre-Ft	143	1768	1576	1412	1335	

2010 Yearly CFS	3515
Yearly Acre-ft	6960
Total no of Days	161
Yearly Mean	22
Max	42

Date	April	May	June	July	August	September	Date
1			2	19	30	25	22
2			2	30	27	25	25
3			3	30	26	25	25
4			3	30	27	25	25
5			21	30	26	23	25
6			17	33	26	23	25
7			17	33	24	21	25
8			17	33	24	21	31
9			12	33	24	21	31
10			10	34	23	21	30
11			15	33	22	21	30
12			16	31	19	20	29
13			11	31	25	17	30
14			20	32	23	16	20
15			19	28	23	15	19
16			15	36	23	16	19
17			12	34	23	21	20
18			11	33	22	16	19
19			10	32	21	16	21
20			11	32	21	16	21
21			21	37	20	16	21
22			23	37	20	16	17
23		3	23	35	20	15	17
24		3	23	23	19	16	17
25		3	22	60	19	14	17
26		3	23	58	19	20	16
27		2	21	30	19	21	20
28		2	19	28	25	21	20
29		2	17	26	25	21	20
30		2	16	32	25	21	19
31			20		25	20	
Total		20	472	993	715	605	676
Mean		3	15	33	24	20	23
Acre-Ft		40	935	1966	1416	1198	1338

2011 Yearly CFS 3481
 Yearly Acre-ft 6892
 Total no of Days 161
 Yearly Mean 22
 Max 60

Date	April	May	June	July	August	September	Date
1			26	37	39	33	18
2			25	39	39	32	18
3			25	41	39	32	18
4			28	38	39	31	18
5			27	38	39	31	18
6			31	34	39	31	18
7			36	31	39	33	18
8			37	30	39	33	18
9			47	28	38	34	18
10			51	28	38	34	18
11	3		49	26	33	34	18
12	3		49	26	32	32	18
13	3		49	26	32	33	18
14	3		50	25	32	32	18
15	3		50	27	32	32	18
16	3		51	27	33	31	18
17	3		52	30	33	31	18
18	18		45	37	33	31	18
19	17		45	34	34	31	18
20	24		44	33	33	31	18
21	27		42	32	33	31	18
22	31		45	38	33	31	18
23	30		38	38	32	31	18
24	21		39	38	32	31	18
25	36		38	41	31	30	18
26	47		37	43	31	30	18
27	3		36	40	31	30	18
28	36		34	39	33	30	18
29	34		33	38	33	29	18
30	27		33	39	31	27	18
31			34		33	18	
Total	372	1226	1021	1068	960	540	
Mean	19	40	34	34	31	18	
Acre-Ft	737	2427	2022	2115	1901	1069	

2012 Yearly CFS 5187
 Yearly Acre-ft 10270
 Total no of Days 173
 Yearly Mean 30
 Max 52

Date	April	May	June	July	August	September	Date
1		31	27	38	7	3	1
2	2	30	27	38	10	3	2
3	2	30	28	39	5	3	3
4	2	29	30	39	3		4
5	2	30	28	37	3		5
6	2	30	27	36	3		6
7	2	29	27	36	3		7
8	2	30	23	29	3		8
9	2	32	35	29	3		9
10	2	30	31	28	3		10
11	2	34	45	28	3		11
12	2	27	45	27	3		12
13	2	37	42	27	3		13
14	2	23	44	25	3		14
15	23	18	43	24	3		15
16	3	27	41	24	3		16
17	3	29	41	26	3		17
18	3	27	41	23	3		18
19	3	27	41	23	3		19
20	3	30	42	21	3		20
21	3	30	40	21	3		21
22	12	29	39	21	3		22
23	11	28	40	14	3		23
24	12	27	40	14	3		24
25	12	27	40	15	3	5	25
26	12	27	39	15	3	5	26
27	20	27	39	17	3	5	27
28	32	26	39	19	3	5	28
29	28	27	39	15	3	5	29
30	31	26	38	15	3	5	30
31		26	38		3		31
TOTAL	237	880	1138	763	106	39	
MEAN	8	28	37	25	3	4	
ACRE FT	469	1742	2253	1511	210	77	

2013	YEARLY C F S	3163
	YEARLY ACRE FEET	6263
	TOTAL NO OF DAYS	161
	YEARLY MEAN	20
	MAX	45

Appendix F

History of Water Right 37-577BP and Hiawatha Canal Water Rights

History

5/24/2000 WR Transfer of 37-30001, 37-30002, and 37-917 from Hiawatha to Cove
10/10/2000 Transfer advertised in Wood River Journal
10/25/2000 Transfer advertised in Wood River Journal
11/21/2000 IDWR requested Data from Hiawatha Canal Company to evaluate seepage
12/1/2000 F. Hammerle requested the transfer be re-noticed in the Wood River Journal
12/8/2000 A. Merritt, IDWR, responded to F. Hammerle, IDWR would not re-notice the transfer
12/27/2000 F. Hammerle requested IDWR perform conveyance losses on the canal
1/9/2001 A. Merritt letter indicating seepage analysis based on the Hubble Report
2/12/2001 IDWR released initial conveyance loss estimates: Total loss in Hiawatha is 9.17 cfs
IDWR proposed conveyance loss of 20% (1.4 cfs of 7.00 cfs)
2/27/2001 Summary letter from BE to E. Robertson outlining other options.

These two rights (37-30001 and 37-30002) were combined to 37-577BP, unsure when that happened (SRBA, perhaps)?

6/15/2001 Filed Transfer 68526 to change POD and POU
5/6/2002 Approved Transfer 68526
6/3/2002 Error with Hiawatha condition on all rights, should have been only on 37-577bp
6/3/2002 Revised Approved Transfer No. 68526 with condition to leave 1.4 cfs in the Hiawatha Canal only on 37-577bp

Unknown Valley Club Lined a portion of the Hiawatha Canal

4/18/2008 Revised Spreadsheet from A. Merritt on seepage after lining of Hiawatha Canal and other changes
Total loss in Hiawatha is 7.55 cfs

1/15/2002 SRBA claim of 1.4 cfs from Indian Creek for conveyance loss
11/15/2007 SF-1 objection form filed on disallowed water right
7/6/2011 Objection form SF-1 was withdrawn
8/30/2011 Final order for disallowance

37-577B

10/26/1988 Hiawatha Canal Water Users claimed 37-577B for Irrigation (to mitigate for seepage - decree 6/27/1925)
6/29/2012 Partial Decree Filed

37-12097 and 37-12098 vs. 37-22630, 37-22631, 37-22632, 37-22633

10/26/1988 Hiawatha Canal water users claimed 37-12097 & 37-12098 for Irrigation (to mitigate for seepage)

1/3/2011 IDWR filed Amended Directors Report recommending that they be disallowed

1/27/2011 Hiawatha Canal water users filed an objection

5/2/2012 SF-5 forms were filed, recommending claims 37-12097 and 37-12098 as claim numbers 37-22630, 37-22631, 37-22632, 37-22633

The combined new claims were cited as "the conveyance losses associated with a right that was disallowed stayed in the ditch"

6/29/2012 Partial Decrees filed



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

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DEPARTMENT OF
WATER RESOURCES

COPY

August 31, 2015

Mr. Gary Spackman, Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Meeting on August 25, 2015 regarding Water Right 37- 577BP
Eccles Flying Hat Ranch Project No. 275-23-2013

Dear Gary:

Thank you for meeting with Evan Robertson and I regarding the return of the 1.4 cfs of Water right 37-577BP to Flying Hat Ranch from the Hiawatha Canal. As a result of the meeting, I believe there were four basic topics which need further discussion:

1. There still may be a concern as to whether the Hiawatha Canal has, in fact, enough or more than enough dedicated seepage mitigation water rights to justify that additional water is "no longer necessary for such mitigation." As we mentioned, Allen Merritt has performed two evaluations of the seepage from the Hiawatha Canal and had denied a request from the Hiawatha Canal for a third evaluation. In my opinion, the operational seepage rate in the Hiawatha Canal reduced by the canal lining project which the Valley Club effected for development of the West Nine golf course and the seepage mitigation water available more than justifies implementation of Condition #3 of the water right. Indian Creek is tributary to the Hiawatha canal upstream of the Indian Creek road and flows into the canal as high as 10 cfs have been observed or measured at the confluence. This discharge is not counted as mitigation for seepage by IDWR or the Watermaster. The available flow in the Hiawatha Canal for mitigation for seepage is, therefore, significantly in excess of the operational seepage in the Hiawatha Canal.
2. Both Jeff and you expressed the proposition that Condition #3 of the 37-577BP right requires that any water rights which have been transferred out of the Hiawatha Canal with mitigation water left in, should benefit if any water is returned to an affected right holder. Condition #3 indicates that "A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal until such time

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

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

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WASHINGTON
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TWIN FALLS,
IDAHO 83301

208•736•8543

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as the canal ceases operation or is otherwise no longer necessary for such mitigation.” It is my understanding that no other water rights which have been transferred from the Hiawatha Canal have this same condition. You mentioned that Shelly Keen of your office had researched the IDWR water rights data base and had identified some 12 water rights which had been totally or partially removed from the Hiawatha Canal and which contained conditions requiring mitigation for the loss of seepage water. Would it be possible to obtain the list of water rights which Shelly compiled?

3. Jeff Peppersack indicated that there may be a question regarding the operational seepage rate in the Cove canal where the 5.6 cfs of water right 37-577BP was transferred and where it is proposed the additional 1.4 cfs be diverted. A preliminary analysis performed by Brockway Engineering indicates that the estimated seepage from the 2.95 mile Cove canal is likely 2.4 cfs, none of which is mitigated by specific water rights.
4. You apparently have a concern that implementation of Condition #3 without a formal transfer and hearing would somehow deny Hiawatha Canal water users or any other potentially affected persons the opportunity to be adequately informed and would deny the opportunity to have input to any proposed change in the water right. I contend that the procedures followed by IDWR to evaluate Transfer No 68526 which resulted in the current configuration of water right 37-577BP provided ample opportunity for input from potentially affected persons and offered any concerned citizens their ‘day in court’. Condition #3 is the result of an adequate application of administrative procedures and anticipated that the current seepage condition would occur.
5. We suggest you consult with Nick Spencer concerning the meaning and intent of Condition No. 3. This is a unique provision which was negotiated between Mr. Spencer and Evan Robertson, attorney for Eccles Flying Hat Ranch, in settlement of our client’s objection to the Departments’ seemingly arbitrary requirement that 20% of this irrigation water right be left behind for “carry losses” during the transfer of 37-577BP from the Hiawatha Ditch. To take the position now that Condition No. 3 does not mean what it says, without the necessity of further transfer or other public processes within IDWR

seems inconsistent with the settlement agreement previously reached
with Mr. Spencer and approved in the adjudication.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. Brockway".

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

cc: Kevin Lakey-Watermaster District 37
Evan Robertson
Marc Reinemann



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 16, 2015

CHARLES E BROCKWAY, PHD, PE
2016 N WASHINGTON ST SUITE 4
TWIN FALLS, IDAHO 83301

RE: Water Right No. 37-577BP, Eccles Flying Hat Ranch

Dear Dr. Brockway:

This letter is a follow up to your letter dated August 5, 2015, our meeting on August 25, 2015, and your letter dated August 31, 2015 regarding conveyance losses in the Hiawatha Canal and water right no. 37-577BP owned by Eccles Flying Hat Ranch. At our meeting, I expressed concern about granting your request absent notice and input from other potentially impacted water users. I committed to respond to your request after further review. After our meeting, I asked staff to review the technical information that you submitted and information supporting prior decisions about conveyance losses in the Hiawatha Canal.

I understand Allen Merritt previously estimated conveyance loss for the Hiawatha Canal. Allen's analysis was based on delivery of March 24, 1883 water rights through the canal, including water rights left in the Hiawatha Canal for conveyance of water. Although later priority water rights are delivered in the Hiawatha Canal for conveyance of water, those later priority water rights are generally curtailed early in the season. Allen recently updated his prior analysis to account for the canal liner placed in the Hiawatha Canal by the Valley Club and the transfer of water rights out of the canal. I've asked staff to forward the results of the updated analysis to you for your review. Allen's analysis estimates a shortage of 0.65 cfs for conveyance loss, even with 1.4 cfs from water right no. 37-577BP remaining in the canal. Removal of 1.4 cfs from the Hiawatha Canal would place an additional burden on other water rights delivered through the Hiawatha Canal to convey water once rights junior to March 24, 1883 are curtailed.

This letter does not address other issues that have been raised and discussed, but I believe the issue discussed above raises significant injury concerns that would preclude a decision to move 1.4 cfs out of the Hiawatha Canal without notice and formal proceedings, likely through a transfer application.

Dr. Brockway
September 16, 2015
Page 2 of 2

I hope this letter addresses your questions. Please feel free to contact the Department if you have additional questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Spickman", with a long horizontal flourish extending to the right.

Gary Spickman
Director

cc: Evan Robertson

WATER RIGHTS SHEET

REACH	OWNER	5/1/1881	3/24/1883	Sum 1881 & 83	6/30/1884	9/18/1885	5/1/1886	8/1/1886	11/26/1886	5/1/1888	4/30/1889	5/4/1889	5/21/1890	7/1/1892	8/1/1902	*****
Loss	Hiswaga Canal		145.5	4.31								168.6			30.00	
Loss	Blaine Crty School		40	0.8												
Loss	Cerrell		2.85	0.053												
Loss	Friedly		1	0.02												
Loss	Griffin		2	0.04												
Loss	Knight		9	0.18												
Loss	Sturtevant		3.5	0.07												
Loss	Thornton		1	0.02												
Loss	Willard		2.5	0.05												
Loss	Cross Creek T66101		1	0.02												
Loss	McCung T68560		2	0.04												
Loss	Eddies (Flying Hat Ranch)		70	1.4												
	Reach Sum =			6.903												
1	Valley Club		144.4	2.888			100							140	37.5	
	Reach Sum =			2.888												
2	Scherer		2	0.04												
	Reach Sum =			0.040												
3	Pullen	1		0.02												
	Reach Sum =			0.020												
4	Richmond		1	0.02												
	Reach Sum =			0.020												
5	Hibbard	101		2.02												
	Reach Sum =			2.020												
6	Davis	38	34.5	1.45												
	Reach Sum =			1.450												
7	Rinker			0				209.73				150	183.51	156.39		
	Willard		2.5	0.05									15	60		
	McCaw			0												
	Reach Sum =			0.050												
8	State of Idaho Mizer			0					159.5							
	Reach Sum =			0.000												
9	Pigeon			0					40.5							
	Coyote Bluff Inc		20	0.4												
	Bodner		10.8	0.216				14				12	10			
	Reach Sum =			0.616												
10	Kennedy/Kirby		2	0.04						4						
	Martin		2	0.04						4						
	Alfs		2	0.04						4						
	Clifford		2	0.04						4						
	Sheffer		2	0.04						4						
	Rice		2	0.04						4						
	Reach Sum =			0.240												
11	Cropper		50.4	1.008												
	EMB-Halley LP		42	0.84		100	50				210					
	Nelson		3	0.06												
	Tierney		13	0.26												
	Reach Sum =			2.168												
12	Bazovsky		2	0.04						4						
	Reach Sum =			0.040												
13	Koonce		3.16	0.0632						9.48						
	Hanson		3.54	0.0708						10.62						
	Reach Sum =			0.134												
14	Red Devil Mt Homeowners Assn		24	0.48						48						
?	Kukarin		2.85	0.053												
?	Brinkman		3.26	0.0652						9.76						
?	Brown		3.25	0.065						9.77						
	Reach Sum =			0.663												
15	Johnson		24	0.48												
	Hickey		24	0.48												
	Phillips		24	0.48												
	Reach Sum =			1.440						82						
16	Wilcox		41	0.82												
	Reach Sum =			0.820												
17	Savaria		24	0.48												
	Argyle		2.5	0.05												
	McGraw		7.5	0.15												
	Reach Sum =			0.680												
18	Cord (Cutter)		200	4												
	Reach Sum =			4.000												
19	Grabher		55	1.1												
	Reach Sum =			0.824												
20	Dumke		72.5	1.45												
	Samson		5	0.1												
	Reach Sum =			1.550												
21	Mizer		5	0.1												
	Hennessey		5	0.1												
	Reach Sum =			0.200												
22	City of Halley		142.9	2.858												
	Reach Sum =			2.858												

22.721

CONVEYANCE LOSS - WORSTELL

NAME OF DITCH: Hiawatha Ditch with liner BY: adm DATE: 08/28/15
After moving Cutter to Dry Lot

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)	DELIVERY LOSS MINUS HIAWATHA RIGHTS FOR LOSS
Decree	900	24.0	10.00	2.73	0.00	22.72	0.1201	0.00	30.27	0.00
1	1910	18.0	3.00	1.30	6.52	22.72	0.0574	1.16	27.54	0.10
2	450	18.0	3.00	0.31	0.04	16.20	0.0190	0.01	19.72	0.00
3	480	18.0	3.00	0.33	0.02	16.16	0.0203	0.00	19.37	0.00
4	430	18.0	3.00	0.29	0.02	16.14	0.0182	0.00	19.02	0.00
5	1770	15.0	0.00	0.00	2.02	16.12	0.0000	0.47	18.71	0.04
6	730	15.0	0.00	0.00	1.45	14.10	0.0000	0.34	16.69	0.03
7	490	15.0	0.00	0.00	0.05	12.65	0.0000	0.01	15.24	0.00
8	1820	15.0	0.00	0.00	0.00	12.60	0.0000	0.00	15.19	0.00
9	1470	15.0	1.50	0.42	0.62	12.60	0.0332	0.17	15.19	0.01
10	4500	14.0	1.28	1.02	0.24	11.98	0.0850	0.08	14.15	0.01
11	680	12.0	1.00	0.10	2.17	11.74	0.0088	0.79	12.90	0.07
12	970	12.0	1.00	0.15	0.04	9.57	0.0154	0.02	10.62	0.00
13	350	12.0	1.00	0.05	0.13	9.53	0.0056	0.05	10.44	0.00
14	440	12.0	1.00	0.07	0.66	9.40	0.0071	0.26	10.25	0.02
15	1860	12.0	1.00	0.28	1.44	8.73	0.0323	0.61	9.52	0.05
16	530	12.0	1.00	0.08	0.82	7.29	0.0110	0.36	7.80	0.03
17	490	12.0	1.00	0.07	0.68	6.47	0.0115	0.30	6.90	0.03
18	460	12.0	1.00	0.07	0.36	5.79	0.0120	0.16	6.14	0.01
19	820	10.0	1.00	0.10	0.82	5.43	0.0191	0.39	5.71	0.03
20	650	7.0	0.66	0.04	1.55	4.61	0.0082	0.75	4.78	0.06
21	1260	4.0	0.66	0.04	0.20	3.06	0.0137	0.10	3.20	0.01
22	2900	4.0	0.66	0.10	2.86	2.86	0.0338	1.52	2.95	0.13
TOTALS	26360			7.55	22.72		0.4115	7.55		0.65

REACH = SECTION OF CHANNEL

LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS

AVE WIDTH = AVERAGE TOP WIDTH OF WATER SURFACE IN REACH

SEEPAGE = SOIL SEEPAGE RATE OF REACH

WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD

DELIVERY = TOTAL DELIVERIES IN REACH

DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)

LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT

DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY;
REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH;
IF MULTIPLE RIGHTS WITHIN REACH, DELIVERY LOSSES SHOULD BE
PRORATED BASED ON SIZE OF DELIVERY FOR EACH RIGHT WITHIN REACH

FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH



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

August 1, 2019

ECCLES FLYING HAT RANCH LLC
PO BOX 3028
SALT LAKE CITY, UT 84110-3028

RE: Transfer No. 83485
Water Right No(s). 37-577BP

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 **8/7/2019** and **8/14/2019**. 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 **August 26, 2019**.

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
Administrative Assistant

c: BROCKWAY ENGINEERING PLLC

Maline, Denise

From: Maline, Denise
Sent: Thursday, August 01, 2019 11:14 AM
To: Kevin Lakey (WD37); Cyndi WD37
Subject: Comment Letter - Transfer 83485 Eccles Flying Hat Ranch
Attachments: Transfer 83485 Eccles Flying Hat Ranch.pdf; Comment letter to WD37 for 83485.docx

Good morning,

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.

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

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 1, 2019

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

RE: Transfer No. 83485
Water Right No(s). 37-577BP

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)

Maline, Denise

From: Maline, Denise
Sent: Thursday, August 01, 2019 11:12 AM
To: Frank Edelmann
Subject: Comment Letter - Application for Transfer 83485 (Eccles Flying Hat Ranch)
Attachments: Comment Letter to F&G for 83485.docx; Transfer 83485 Eccles Flying Hat Ranch.pdf

Good morning Frank,

Attached is an application for transfer, currently being processed by Dept of Water Resources. Please review the application, complete the attached 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 research.idwr.idaho.gov.

Please feel free to contact this office if you have any questions.

Thank you,

Denise Maline, 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

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 1, 2019

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

RE: Transfer No. 83485
Water Right No(s): 37-577BP

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.

The Department is currently publishing notice of the application, as part of the initial review process; and your response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication (*on or before August 26, 2019*).

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

Sincerely,


Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 1, 2019

HIAWATHA CANAL WATER USERS ASSN
C/O DAVID CROPPER
PO BOX 1604
HAILEY ID 83333

Re: Transfer No. 83485
Water Right No(s). 37-577BP

Dear Interested Party:

Attached is a copy of an application for transfer that may be of interest to you. Please contact the applicant(s) if you have concerns about the application.

The Department is currently publishing notice of the application, as part of the initial review process. If you desire to formally protest the approval of this application, you may do so by filing a written protest along with a \$25.00 filing fee within 10 days after final publication (*on or before August 26, 2019*).

Please contact this office at (208) 736-3033 if you have any questions regarding this information; or you may visit our website at www.idwr.idaho.gov.

Sincerely,

A handwritten signature in blue ink that reads "Denise Maline".

Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, August 01, 2019 10:12 AM
To: Idaho Mountain Express
Subject: LEGAL NOTICE
Attachments: Idaho Mtn Express cover letter.docx; Idaho Mtn Express ad.doc

Attached please find **(1)** legal notice being submitted for publication on August 7th & 14th, 2019. 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

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 1, 2019

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

RE: Transfer No. 83485
Water Right No(s): 37-577BP

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 August 26, 2019. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83485**

ECCLES FLYING HAT RANCH LLC, PO BOX 3028, SALT LAKE CTY, UT 84110-3028; has filed Application No. 83485 for changes to the following water rights within BLAINE County(s): Right No(s). 37-577BP; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes changing nature of use from mitigation in the Hiawatha Canal to irrigation for a 1.4 cfs portion of a Big Wood River irrigation/mitigation water right and also eliminating the Hiawatha Canal as an authorized point of diversion. Point of diversion for the Hiawatha Canal is located approximately 4.2 miles north and 1.3 miles west of the intersection of Bullion St and Hwy 75 in Hailey. Two remaining points of diversion are located approximately 0.9 miles south and 0.2 miles east and 3.0 miles south and 1.2 miles east of the intersection of Bullion St and Hwy 75 in Hailey. Proposed irrigation place of use is located approximately 1.3 miles to 3.4 miles south and 0.9 to 2.8 miles east of the same intersection in Hailey.

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 **August 26, 2019**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on August 7th & 14th, 2019

Mills, Bill

From: Buyer, Remington
Sent: Wednesday, July 31, 2019 10:37 AM
To: Mills, Bill
Subject: RE: Transfer application for a right in Water Supply Bank

Thanks for the update Bill. I agree that the transfer shouldn't impact the rental; we'll keep our eyes peeled for the transfer notice.

Have a great day!

From: Mills, Bill
Sent: Wednesday, July 31, 2019 10:00 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: RE: Transfer application for a right in Water Supply Bank

Remington,
If this transfer gets approved it will add rate only (1.4 cfs) into a 523.0 acre POU for Big Wood River right 37-577BP which is also part of a larger 675.5 acre PPU that combines water rights 37-481D, 37-482J, 37-483D, 37-917, 37-2713, 37-7356, 37-11975, 37-11976, 37-11977 and 37-11978 with this right. So, it doesn't overlap or have any impact on right 37-885B. The transfer application is proposing changing the nature of use for the entire mitigation portion of this right to irrigation. The mitigation is for conveyance losses in the Hiawatha canal and the application contains analysis that indicates it is no longer needed for mitigation in the Hiawatha and that is the reasoning behind the proposal to change it back to irrigation only. A previous transfer moved the irrigation POU and the current conveyance for irrigation at the POU is through the Cove Canal.
Bill

From: Buyer, Remington
Sent: Wednesday, July 31, 2019 9:14 AM
To: Mills, Bill <William.Mills@idwr.idaho.gov>
Subject: RE: Transfer application for a right in Water Supply Bank

Hi Bill,

Thanks for the heads up on this one. Water right 37-577B is not presently leased to the Bank, but 37-885B is, and rental agreement 178 is specific to the place of use for 37-885B.

Does the transfer you are working on also involve a transfer of some or all of 37-885B, or is the transfer primarily intended to place a portion of 37-577B over the place POU for 37-885B?

Also, to confirm: the transfer proposes to change a portion of mitigation under 37-577B to a mitigation and irrigation dual use at the POU for 37-885B? What is the estimated impact on overall consumptive use of Big Wood River water through the transfer?

Thanks,

Remington

From: Mills, Bill
Sent: Tuesday, July 30, 2019 3:02 PM

To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: Transfer application for a right in Water Supply Bank

Remington,

Just a heads up, Southern will be advertising a transfer application in the next couple of weeks for water right 37-577B, and a portion of the right is currently in the water supply bank (agreement no. 178). However, the transfer application is seeking to change the mitigation portion of the right back to irrigation, so it has no impact on the rental. The following is the legal for the application:

Application for transfer proposes changing nature of use from mitigation in the Hiawatha Canal to irrigation for a 1.4 cfs portion of a Big Wood River irrigation/mitigation water right and also eliminating the Hiawatha Canal as an authorized point of diversion. Point of diversion for the Hiawatha Canal is located approximately 4.2 miles north and 1.3 miles west of the intersection of Bullion St and Hwy 75 in Hailey. Two remaining points of diversion are located approximately 0.9 miles south and 0.2 miles east and 3.0 miles south and 1.2 miles east of the intersection of Bullion St and Hwy 75 in Hailey. Proposed irrigation place of use is located approximately 1.3 miles to 3.4 miles south and 0.9 to 2.8 miles east of the same intersection in Hailey.

If you have any questions, let me know,

Bill Mills

Senior Water Resource Agent
Idaho Dept. of Water Resources
Southern Region

M E M O R A N D U M

Date: July 30, 2019
To: Transfer 83485 File
From: Bill Mills
Re: Transfer Proposal

Application for transfer proposes changing nature of use from mitigation in the Hiawatha Canal to irrigation for a 1.4 cfs portion of a Big Wood River irrigation/mitigation water right and also eliminating the Hiawatha Canal as an authorized point of diversion. Point of diversion for the Hiawatha Canal is located approximately 4.2 miles north and 1.3 miles west of the intersection of Bullion St and Hwy 75 in Hailey. Two remaining points of diversion are located approximately 0.9 miles south and 0.2 miles east and 3.0 miles south and 1.2 miles east of the intersection of Bullion St and Hwy 75 in Hailey. Proposed irrigation place of use is located approximately 1.3 miles to 3.4 miles south and 0.9 to 2.8 miles east of the same intersection in Hailey.

MEMORANDUM

Date: July 30, 2019
To: Transfer 83485 File
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #83485 are based on the current transfer fee schedule and are set at \$580.00 for the 1.4 cfs being transferred in the application (Receipt No.S037412). Applicant also paid a separate change in nature of use fee of \$250.00 (Receipt No. S037460).

Mills, Bill

From: Clark, Cynthia Bridge
Sent: Tuesday, July 30, 2019 2:59 PM
To: Mills, Bill
Subject: RE: Big Wood River Right Transfer Application

Thank you Bill!

Cynthia Bridge Clark, P.E.
Water Projects Section Manager
Idaho Department of Water Resources
Phone (208) 287-4817
Fax (208) 287-6700
cynthia.clark@idwr.idaho.gov

From: Mills, Bill
Sent: Tuesday, July 30, 2019 2:55 PM
To: Clark, Cynthia Bridge <Cynthia.Clark@idwr.idaho.gov>
Subject: Big Wood River Right Transfer Application

Just a heads up concerning an application for transfer for Big Wood River Right 37-577BP.
The following is the legal that will be advertised in the next couple of weeks:

Application for transfer proposes changing nature of use from mitigation in the Hiawatha Canal to irrigation for a 1.4 cfs portion of a Big Wood River irrigation/mitigation water right and also eliminating the Hiawatha Canal as an authorized point of diversion. Point of diversion for the Hiawatha Canal is located approximately 4.2 miles north and 1.3 miles west of the intersection of Bullion St and Hwy 75 in Hailey. Two remaining points of diversion are located approximately 0.9 miles south and 0.2 miles east and 3.0 miles south and 1.2 miles east of the intersection of Bullion St and Hwy 75 in Hailey. Proposed irrigation place of use is located approximately 1.3 miles to 3.4 miles south and 0.9 to 2.8 miles east of the same intersection in Hailey.

If you have any additional questions let me know,
Thanks
Bill

Mills, Bill

From: Mills, Bill
Sent: Tuesday, July 30, 2019 3:02 PM
To: Buyer, Remington
Subject: Transfer application for a right in Water Supply Bank

Remington,

Just a heads up, Southern will be advertising a transfer application in the next couple of weeks for water right 37-577B, and a portion of the right is currently in the water supply bank (agreement no. 178). However, the transfer application is seeking to change the mitigation portion of the right back to irrigation, so it has no impact on the rental. The following is the legal for the application:

Application for transfer proposes changing nature of use from mitigation in the Hiawatha Canal to irrigation for a 1.4 cfs portion of a Big Wood River irrigation/mitigation water right and also eliminating the Hiawatha Canal as an authorized point of diversion. Point of diversion for the Hiawatha Canal is located approximately 4.2 miles north and 1.3 miles west of the intersection of Bullion St and Hwy 75 in Hailey. Two remaining points of diversion are located approximately 0.9 miles south and 0.2 miles east and 3.0 miles south and 1.2 miles east of the intersection of Bullion St and Hwy 75 in Hailey. Proposed irrigation place of use is located approximately 1.3 miles to 3.4 miles south and 0.9 to 2.8 miles east of the same intersection in Hailey.

If you have any questions, let me know,

Bill Mills

Senior Water Resource Agent
Idaho Dept. of Water Resources
Southern Region

Mills, Bill

From: Mills, Bill
Sent: Tuesday, July 30, 2019 2:38 PM
To: 'Erick Powell'
Subject: RE: Eccles Transfer Application #83485

Thanks Erick!

Corey and I researched the rights history and found it has always been for 523 acres, so it sounds like we're on the same page here.

Bill

From: Erick Powell [mailto:erick.powell@brockwayeng.com]
Sent: Tuesday, July 30, 2019 1:59 PM
To: Mills, Bill <William.Mills@idwr.idaho.gov>
Subject: RE: Eccles Transfer Application #83485

Hi Bill,

No additional acres will be added; the combined acre limit will still be 523 acres.

Thanks,
Erick

From: Mills, Bill <William.Mills@idwr.idaho.gov>
Sent: Tuesday, July 30, 2019 12:47 PM
To: Erick Powell <erick.powell@brockwayeng.com>
Subject: Eccles Transfer Application #83485

Erick,

Since this transfer application is seeking to change 1.4 cfs of mitigation to irrigation, is it seeking to add additional acres to the 523.0 acres currently authorized under 37-577BP or just add the rate into the existing place of use?

Thanks,
Bill

Mills, Bill

From: Skinner, Corey
Sent: Monday, July 29, 2019 4:02 PM
To: Mills, Bill
Subject: FW: Eccles Transfer of Right 37-577BP

For the transfer file....

From: Erick Powell [mailto:erick.powell@brockwayeng.com]
Sent: Monday, July 29, 2019 3:43 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: RE: Eccles Transfer of Right 37-577BP

Hi Corey,
Yes, that is correct.

Thanks,
Erick

From: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Sent: Monday, July 29, 2019 3:25 PM
To: Erick Powell <erick.powell@brockwayeng.com>
Subject: Eccles Transfer of Right 37-577BP

Erick,

We are working on processing the Eccles transfer that you submitted attempting to transfer the mitigation use on right 37-577BP from the Hiawatha Canal to the Eccles property south of the airport. We talked about this the other day, and I recall you indicating that they are wanting to transfer the mitigation use to irrigation use on the Eccles property.

Is this correct?

Corey



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED
JUL 03 2019
DEPT OF WATER RESOURCES
SOUTHERN REGION

June 28, 2019

Mr. Corey Skinner
Idaho Department of Water Resources, Southern Region
650 Addison Ave. West, Suite 500
Twin Falls, ID 83301

Re: Transfer Application for Water Right no. 37-577BP

Dear Corey,

Enclosed with this letter is an application and supporting documentation regarding the mitigation water portion of water right no. 37-577BP. Chuck Brockway Sr. and IDWR staff, including the director, have had multiple conversations regarding this transfer. Letters regarding the water right are included with the application packet as well as additional evaluations as requested by IDWR.

Please do not hesitate to contact us if you have questions.

Sincerely,

G. Erick Powell, Ph.D., P.E.

enclosed

cc: Evan Robertson
Mark Reinemann

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