

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Transfer No. 82554

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

The diversion system will consist of an intake to a sump and a pump to an irrigation system. There will be a shutoff valve on the intake pipe and a flow meter on the pump.

- b. Who owns the property at the point(s) of diversion? Lake Creek Meadows Homeowners Association
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

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

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and 1/4 1/4 of section information. You may create a map at idwr.idaho.gov, *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C*.

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


Signature of applicant or authorized agent

Janet Jarvis Board Member
Print name and title if applicable HOA

7/10/18
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

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

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by DM

Date 7-23-2018

Fee paid \$580- Date 7-23-2018

Received by DM

Receipt # SO36864

Preliminary review by AI

Date 7-25-18

Active in the Water Supply Bank? Yes ☐ No ☒

W-9 received? Yes ☐ No ☐

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

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

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

Current Water Right No.: 37-22663

Current Owner: LAKE CREEK MEADOWS HOMEOWNERS ASSN INC

Priority Date: 5/1/1892

Origin: Water Right

Status: Active

Basis: Decreed

Source

LAKE CREEK

Tributary

BIG WOOD RIVER

Beneficial Use

IRRIGATION

From To

05/01 to 10/31

Total Diversion

Diversion Rate

1.1 CFS

1.1 CFS

Annual Volume

Location of Point(s) of Diversion

LAKE CREEK

BLAINE County

SE1/4SE1/4SE1/4

Sec. 25, Twp 05N, Rge 17E B.M.

LAKE CREEK

BLAINE County

NW1/4NE1/4NE1/4

Sec. 36, Twp 05N, Rge 17E B.M.

LAKE CREEK

BLAINE County

NE1/4NW1/4NE1/4

Sec. 36, Twp 05N, Rge 17E B.M.

LAKE CREEK

BLAINE County

NE1/4SE1/4SE1/4

Sec. 25, Twp 05N, Rge 17E B.M.

LAKE CREEK

BLAINE County

SW1/4SE1/4SE1/4

Sec. 25, Twp 05N, Rge 17E B.M.

LAKE CREEK

BLAINE County

NW1/4NE1/4NW1/4

Sec. 20, Twp 05N, Rge 18E B.M.

LAKE CREEK

BLAINE County

NW1/4SW1/4SW1/4

Sec. 30, Twp 05N, Rge 18E B.M.

LAKE CREEK

BLAINE County

NW1/4SW1/4SW1/4

(Injection)

Place of Use

IRRIGATION Within BLAINE County

T05N R17E S25

T05N R17E S36

T05N R17E S36

T05N R18E S30

T05N R18E S31

NENE

NWNE

SWSW

NWNW

T05N R17E S36

T05N R17E S36

T05N R18E S30

T05N R18E S30

NENE

NWNE

NWSW

Lot 6 SWSW

* added per 7/27/10 email from C. Brackway

Conditions of Approval:

1. Use of water under this transfer shall comply with Idaho water quality standards, both in effluent quality and in temperature.
2. 129 Place of use is within the area served by Lake Creek Meadows Homeowners Association, Inc., and is limited to the irrigation of 55 acres within a single irrigation season.
3. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
4. U42 Place of use does not include federal public lands.
5. Pursuant to a call in times of scarcity, water may continue to be diverted from Lake Creek under water right nos. 37-2418 and 37-22663 provided that the average daily outflow from the pond located in T05N, R17E, S36, NWNE is not less than the sum of (a) 25% of the total quantity of water diverted under right no. 37-22663, and (b) the total quantity of water diverted under right no. 37-2418 less 0.16 cfs.
6. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
7. The right holder shall install and maintain a totalizing meter at the outflow of the pond located in T05N, R17E, S36, NWNE in accordance with Department specifications.
8. A portion of the Lake Creek Meadows Subdivision is also known as Homestead Entry Survey No. 328.
9. 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.
10. E53 Right Nos. 37-22663 and 37-2418 are limited to a total combined annual diversion volume of 180.0 AF.
11. The Department of Water Resources retains jurisdiction over these water rights, and the uses approved by this transfer, to require a determination of losses in the delivery and pond systems by a method approved by the director of water resources. Losses over and above losses that were incurred prior to this transfer, if they exceed 0.16 cfs, shall be replaced by mitigation water released to the Big Wood River. This mitigation water shall be in the form of an additional consumptive use right purchased by the owner of the property.

Decreed Date: 3/2/2012



LAKE CREEK SUBDIVISION
WATER RIGHT TRANSFER 37-22663

BROCKWAY ENGINEERING, PLLC.
 ICB - Date: 7/12/2018

NAIP 2017 AERIAL
TRANSFER 82556

- New POD
- POD 37-22663
- POU 37-22663



No. C 82323	Due no later than Oct 31, 2017 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. LAKE CREEK MEADOWS HOMEOWNERS' ASSOCIATION, INC. MARYBETH COLLINS PO BOX 5524 KETCHUM ID 83340		WENDY ST. JEAN 341 LEWIS STREET KETCHUM ID 83340			
			3. <u>New</u> Registered Agent Signature:*			
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
TREASURER	STEPHEN BOONE	POST OFFICE BOX 12600	OLYMPIA	WA	USA	98508
VICE PRESIDENT	JIM ANDREWS	POST OFFICE BOX 3520	MANHATTAN BEACH	CA	USA	90266
PRESIDENT	KAREN MACMILLEN	POST OFFICE BOX 5628	MINNEAPOLIS	MN	USA	55440-5628
DIRECTOR	JANET JARVIS	POST OFFICE BOX 1183	KETCHUM	ID	USA	83340
5. Organized Under the Laws of: ID C 82323		6. Annual Report must be signed.* Signature: marybeth collins Name (type or print): marybeth collins Date: 12/09/2017 Title: bkpg, LCMHOA, Inc.				
Processed 12/09/2017		* Electronically provided signatures are accepted as original signatures.				

TRANSFER 82556

Maline, Denise

From: Maline, Denise
Sent: Friday, August 10, 2018 10:11 AM
To: Kevin Lakey (WD37); Cyndi WD37
Subject: Comment Letters - Transfer 82556 & 82572
Attachments: Comment letter to WD37 for 82556 & 82572.docx; Transfer 82556 Lake Meadows HOA.pdf; Transfer 82572 Lovas.pdf

Hi Kevin,

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

Thank you & have a good weekend,

Denise @ IDWR

Denise Maline

Administrative Assistant

Idaho Dept of Water Resources, Southern Region

650 Addison Ave W, Ste 500

Twin Falls, ID 83301

(208) 736-3033

denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 10, 2018

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

via e-mail

RE: Transfer No. 82556
Water Right No(s). 37-22663

RE: Transfer No. 82572
Water Right No(s). 37-21463, 37-2625A, 37-2638, 37-2700

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)



State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 10, 2018

IDAHO DEPT OF FISH & GAME
324 S 417 E, STE 1
JEROME, ID 83338

RE: Transfer No. 82556
Water Right No(s). 37-22663

Dear Fish & Game:

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 can publish notice of the application as soon as the initial review is completed. Therefore, your prompt 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.

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

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 9, 2018

LAKE CREEK MEADOWS HOMEOWNERS ASSN INC
PO BOX 3144
KETCHUM, ID 83340

RE: Transfer No. 82556
Water Right No(s). 37-22663

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 8/15/2018 and 8/22/2018**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **September 4, 2018**.

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

cc: BROCKWAY ENGINEERING PLLC

Maline, Denise

From: Maline, Denise
Sent: Thursday, August 09, 2018 9:38 AM
To: Idaho Mountain Express
Subject: LEGAL NOTICE
Attachments: Idaho Mtn Express cover letter.docx; Idaho Mtn Express ad.docx

Attached please find (1) legal notice being submitted for publication on August 15th & 22nd, 2018. 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

Denise Maline

Administrative Assistant I

Idaho Dept of Water Resources, Southern Region

650 Addison Ave W, Ste 500

Twin Falls, ID 83301

(208) 736-3033

denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 9, 2018

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

RE: Transfer No. 82556
Water Right No(s): 37-22663

RE: Transfer No. 82082
Water Right No(s): 36-2069, etc.

RE: Transfer No. 82572
Water Right No(s): 37-21463, 37-2625A, 37-2638, 37-2700

Dear Legal Notice Department:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before September 4, 2018. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82556**

LAKE CREEK MEADOWS HOMEOWNERS ASSN INC, PO BOX 3144, KETCHUM, ID 83340; has filed Application No. 82556 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22663. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to add a point of diversion (POD) to water right 37-22663 which allows for the diversion of 1.1 cfs out of Lake Creek for irrigation of 55 acres. The proposed POD is located downstream of the existing PODs authorized for this water right and is approximately 3 miles north of Ketchum east of Highway 75 in the Lake Creek Meadows Subdivision.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82572**

LOVAS TRUST, 13233 SNOWSHOE THOMPSON CIR, TRUCKEE, CA 96161; has filed Application No. 82572 for changes to the following water rights within BLAINE County(s): Right No(s). 37-21463, 37-2625A, 37-2638, 37-2700. The purpose of the transfer is to change a portion of the above rights as follows: Applicant proposes adding a new point of diversion for 2.2 cfs of groundwater for irrigation from a well to be drilled approximately 3.9 miles south and 1.8 miles east of the city center of Bellevue.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82082**

WESTERN MORTGAGE & REALTY CO, PO BOX 3110, PASCO, WA 99301; has filed Application No. 82082 for changes to the following water rights within BLAINE, MINIDOKA County(s): Right No(s). 36-10515, 36-10850A, 36-10863A, 36-10863B, 36-15217, 36-15264A, 36-15264B, 36-16042, 36-16309, 36-16473, 36-16816, 36-2069, 36-2090B, 36-2092, 36-2097, 36-2259, 36-2433, 36-2434, 36-2435, 36-2582A, 36-2582B, 36-2618, 36-7209, 36-7246A, 36-7246B, 36-7356C, 36-7627, 36-8227. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes creating a 7,037.5 acre permissible place of use (PPU) on a farm located approximately 10.0 to 16.7 miles east and 7.6 to 13.2 miles north of Rupert for 25 rights totaling 62.97 cfs and 4,953.5 acres currently diverted from 17 wells on the farm. The application also proposes moving a 0.46 cfs and 59 acre portion of an additional right from a farm located approximately 9.7 to 10.1 miles east and 10.0 to 10.6 miles north to the 17 wells and proposed PPU. In addition, a portion of two water rights totaling 1.15 cfs and 96 acres are also proposed to be moved from a farm located 16.5 to 17.0 miles east and 8.1 to 8.7 miles north to the 17 wells and proposed PPU. In total the 28 rights will allow for the diversion of 64.58 cfs from 17 wells for the irrigation of 5,108.5 acres within the 7,037.5 acre PPU. Published in the Idaho Mountain Express on August 15th & 22nd, 2018 and in the Times News on August 16th & 23rd, 2018.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **September 4, 2018**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on August 15th & 22nd, 2018

Inouye, Allison

From: Inouye, Allison
Sent: Wednesday, August 08, 2018 1:45 PM
To: Clark, Cynthia Bridge
Subject: Proposed Transfer 82556 in Minimum Stream Flow area

Hi Cynthia,

I wanted to let you know about a proposed transfer in Basin 37. Transfer # 82556. It's scheduled to be advertised the 3rd & 4th weeks of August and should be available for viewing online by the middle of next week. Following is the text from the legal notice:

Application for transfer proposes to add a point of diversion (POD) to water right 37-22663 which allows for the diversion of 1.1 cfs out of Lake Creek for irrigation of 55 acres. The proposed POD is located downstream of the existing PODs authorized for this water right and is approximately 3 miles north of Ketchum east of Highway 75 in the Lake Creek Meadows Subdivision.

Feel free to contact me with questions.

-Allison

Allison Inouye
Water Resource Agent
Southern Regional Office | Idaho Dept. of Water Resources
p (208) 736-3033 | f (208) 736-3037
Allison.Inouye@idwr.idaho.gov

MEMORANDUM

Date: August 8, 2018
To: Transfer 82556
From: Allison Inouye
Re: Transfer Synopsis

Application for transfer proposes to add a point of diversion (POD) to water right 37-22663 which allows for the diversion of 1.1 cfs out of Lake Creek for irrigation of 55 acres. The proposed POD is located downstream of the existing PODs authorized for this water right and is approximately 3 miles north of Ketchum east of Highway 75 in the Lake Creek Meadows Subdivision. The PODs and place of use are located within Water District 37 and watermaster comments will be solicited.

MEMORANDUM

Date: August 1, 2018

To: Transfer 82556

From: Allison Inouye

Re: Filing Fee

The filing fee for this transfer is based on the total amount of water being transferred, 1.1 cfs. The transfer fee schedule indicates that the filing fee is \$580 for a transfer involving 1.01 – 2.00 cfs. (Receipt No. S036864)

Inouye, Allison

From: Charles G. Brockway <charles.g.brockway@brockwayeng.com>
Sent: Friday, July 27, 2018 4:13 PM
To: Inouye, Allison
Subject: Re: Lake Creek Meadows HOA Transfer Application

Allison,

That all sounds good. Thanks for your help!

Chuck

Sent from my Android phone

----- Original message-----

From: Inouye, Allison
Date: Fri, Jul 27, 2018 2:28 PM
To: charles.g.brockway@brockwayeng.com;
Cc:
Subject: Lake Creek Meadows HOA Transfer Application

Hi Charles,

I am the agent who will be working on the Application for Transfer you recently submitted for Lake Creek Meadows HOA Inc. After initial review, I have a couple of minor issues that I am hoping we can clarify via email so that processing can continue.

- On Question 5 of the application regarding the PODs, the second to last entry does not identify the ¼ section for the point of diversion in Section 30 Twp 05N Rge 18E. Based on the map submitted with the application, it looks like the description for that POD should be NWSWSW of Section 30 Twp 05N Rge 18E. With your permission, I can update the application to reflect this.
- A copy of the water right as currently recorded was not submitted with the application. I have printed a copy of the right from our system (see attached). With your permission, I can add the attached document to the application.

Feel free to contact me with any concerns.

Best,

Allison

Allison Inouye

Water Resource Agent

Southern Regional Office | Idaho Dept. of Water Resources



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JUL 23 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

July 18, 2018

Mr. Corey Skinner
Idaho Department of Water Resources
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858

Re: Application for POD Transfer 37-22663 / Lake Creek

Dear Corey:

Enclosed please find an application to add one (1) point of diversion to the above-referenced water right. The purpose of the change is to allow for one additional pumping point from the Lake Creek pond system. This diversion will be located on the water body known as Pond 6, which already has a pump in it. This is an insignificant change and there is no way it could impact any other water user; therefore I would respectfully request that the Department waive advertisement of the application.

Cordially,

Charles G. Brockway, P.E.

Enc. Application and \$580 fee
cc: Lake Creek HOA c/o Karen MacMillan
Clients

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