

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 81895
RECEIVED

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

SEP 05 2017

An application for transfer must be prepared in accordance with the minimum requirements listed below to be accepted 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 www.idwr.idaho.gov.

Name of Applicant(s) Peter Trust LP

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 www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 05 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Peter Trust LP Phone 702-920-2800
Mailing address 2300 W Sahara Ave Suite 530 Las Vegas NV 89102 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

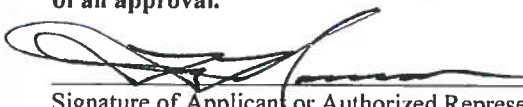
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

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

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

**Thomas A. Thomas
Manager**

Print Name and Title if applicable

8-8-17
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use

☒ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☒ Other Correct GW POD Locations
- 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.2**.
Applicant seeks to create permissible place of use on applicant's property to include irrigation water rights 37-8102, 37-8446 (portion) and 37-22969, to add and correct the POD locations associated with the two ground water rights. Surface water POD's are correct and are not intended to change. Application also seeks to split 37-8446.

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 ☒ ☐	37-8102	0.1 / 17.5	Irrigation	4/15 to 10/15	Ground Water / N/A
☐ ☐		0.16 / 0.3	Commercial	4/01 to 11/01	Ground Water / N/A
☐ ☐		0.04 / 1.0	Domestic	01/01 to 12/31	Ground Water / N/A
☐ ☐		0.2 /	Fire Protection	01/01 to 12/31	Ground Water / N/A
☐ ☒	37-8446	0.01 / 1.4	Irrigation	4/01 to 11/01	Ground Water / N/A
☒ ☐	37-22969	1.29 /	Irrigation	4/15 to 10/31	Big Wood River/Malad Rivr
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.57 cfs and/or 27.6 acre-feet.

2. Total amount of water proposed to be transferred or changed 1.50 cubic feet per second and/or 20.2 acre-feet per year.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
NO			SE	NE	5	2N	18E	BLAINE	GROUND WATER	WELL #2
NO			SE	NE	5	2N	18E	BLAINE	GROUND WATER	WELL #3
NO			SW	NE	5	2N	18E	BLAINE	BIG WOOD RIVER	RIVER PUMP
NO			SE	NE	5	2N	18E	BLAINE	BIG WOOD RIVER	SLOUGH DIVERSION
NO			SE	NE	5	2N	18E	BLAINE	GROUND WATER	WELL #1

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	
2N	18E	4							1.4			6.4							7.8
2N	18E	5			0.1	6.4									26.2	0.2			32.9
Total Acres (for irrigation use)																			40.7

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:

Lands described under proposed PPU are physically able to be irrigated using water diverted from water rights listed above, buried pressurized irrigation system conveys water within the proposed PPU.

- b. Who owns the property at the point(s) of diversion? RG Farm LLC

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
See attached Concurrence for Water Right Point of Diversion and Place of Use document, authorizing applicant to allow POD's and POU's of water rights owned by applicant, on RG Farms LLC lands.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A.

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

0.4 acres currently irrigated under 37-8446 is proposed to be moved and irrigated inside the proposed PPU.

Land currently irrigated under this right at this location will no longer be irrigated after transfer approval.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Water rights 37-8102, 37-8446 (portion) and 37-22969 are proposed to be used in the proposed PPU. POD's associated with 37-8102 are intended to be corrected (PLS) and the portion of 37-8446 to be split and used inside the PPU, will be diverted from the same wells. No change proposed to POD's associated with 37-22969.

- 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:

N/A.

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

Current Water Right No.: 37-8102

Current Owner: E PARRY THOMAS

Priority Date: 5/11/1983

Origin: Water Right

Status: Active

Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.1 CFS	17.5 AF
FIRE PROTECTION	1/01 to 12/31	0.2 CFS	
DOMESTIC	1/01 to 12/31	0.04 CFS	1 AF
COMMERCIAL	4/01 to 11/01	0.16 CFS	0.3 AF
<u>Total Diversion</u>		0.2 CFS	18.8 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4	Sec. 5,	Twp 02N,	Rge 18E B.M.
BLAINE County				
GROUND WATER	NE1/4SE1/4	Sec. 5,	Twp 02N,	Rge 18E B.M.
BLAINE County				

Place of Use

IRRIGATION Within BLAINE County

T02N R18E S4	SWNW	2.00	T02N R18E S5	SENE	3.00
Total Acres: 5					

DOMESTIC Within BLAINE County

T02N R18E S5	NESE
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COMMERCIAL Within BLAINE County

T02N R18E S4	NWSW
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Place of Use: FIRE PROTECTION same as IRRIGATION

Conditions of Approval:

1. SF2 This water right enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gage station meet or exceed the minimum stream flows established by state action.

2. Two points of diversion are located within NESE, S05, T02N, R18E.
Commercial use is for two riding arenas.
Domestic use is for 1 home and 27 horses.
Domestic use does not include lawn, garden, landscape, or other types of irrigation.
Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.

3. R30 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

Licensed Date: 1/5/1996

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

Current Water Right No.: 37-8446

Current Owner: PETER TRUST LP
RIVER GROVE FARM

Priority Date: 11/12/1988

Origin: Water Right

Status: Active

Basis:	License
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Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.08 CFS	8.8 AF
	Total Diversion	0.08 CFS	8.8 AF

Location of Point(s) of Diversion

GROUND WATER

BLAINE County

SE1/4SE1/4NE1/4

Sec. 5, Twp 02N, Rge 18E B.M.

Place of Use

IRRIGATION Within BLAINE County

T02N R18E S4 SWNW 0.80 T02N R18E S5 SENE 1.70
Total Acres: 2.5

Conditions of Approval:

- | | | |
|----|-----|---|
| 1. | R67 | This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use. |
| 2. | X60 | Place of use is located within Lot 6, Flying Heart Ranch No. 1 Subdivision (RP001700000060). |
| 3. | 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. |
| 4. | O41 | Irrigation use under this right is authorized only in connection with a domestic use. |
| 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. |

Licensed Date: 4/21/2015

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

Current Water Right No.: 37-22969

Current Owner: PETER TRUST LP

Priority Date: 5/1/1883

Origin: Water Right

Status: Active

Basis: Decreed

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Total Diversion

Diversion Rate

1.29 CFS

1.29 CFS

Annual Volume

Location of Point(s) of Diversion

BIG WOOD RIVER

BLAINE County

SW1/4NE1/4

Sec. 5, Twp 02N, Rge 18E B.M.

BIG WOOD RIVER

BLAINE County

SE1/4NE1/4

Sec. 5, Twp 02N, Rge 18E B.M.

Place of Use

IRRIGATION Within BLAINE County

T02N R18E S4

NWSW

3.80

T02N R18E S5

NESE

25.00

Total Acres: 28.8

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. This right shall provide no more than 0.03 cfs per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used.
3. 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).
4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. 004 This right does not grant any right-of-way or easement across the land of another.
6. 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.
7. 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.

Decreed Date: 8/30/2011

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ 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. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. There are two vertical yellow margin lines, one on the left side and one on the right side, creating narrow margins. The paper appears to be from a notebook or a standard sheet of stationery.**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments.

Received by SM Date 9/15/2017 Preliminary check by _____ Date _____

Fee paid \$105- Date 11/2/2011 Received by DM Receipt # 3036337

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

QUITCLAIM DEED

For value received, Peter Thomas, representative of E. Parry Thomas, the grantor, hereby quitclaims unto Peter Trust LP, an Idaho Limited Partnership, the grantee, whose current address is 2300 West Sahara Ave, Suite 530, Las Vegas, NV 89102, all of the grantor's right, title, and interest in and to the following described water rights situated in Blaine County and, Idaho.

All of Idaho Department of Water Resources Water Right 37-8102.

Grantor has caused this quitclaim deed to be executed this 16 day of August, 20 17.

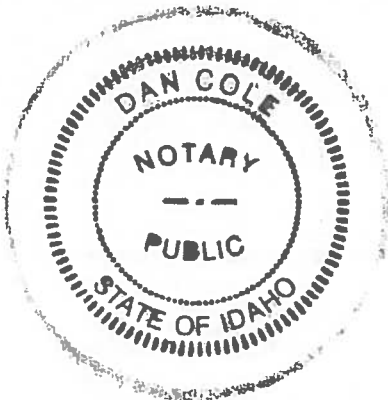
By: _____

GRANTOR

State of Idaho)
) S.S.
County of Blaine)

On this 16 day of August, in the year of 20 17, before me, a Notary Public, personally appeared Peter Thomas, proved to me on The basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

S
E
A
L



Dan Cole
Notary Public
In and for said State and County

Jan 5, 2023
My Commission Expires on

**CONCURRENCE FOR WATER RIGHT POINT OF DIVERSION
AND PLACE OF USE**

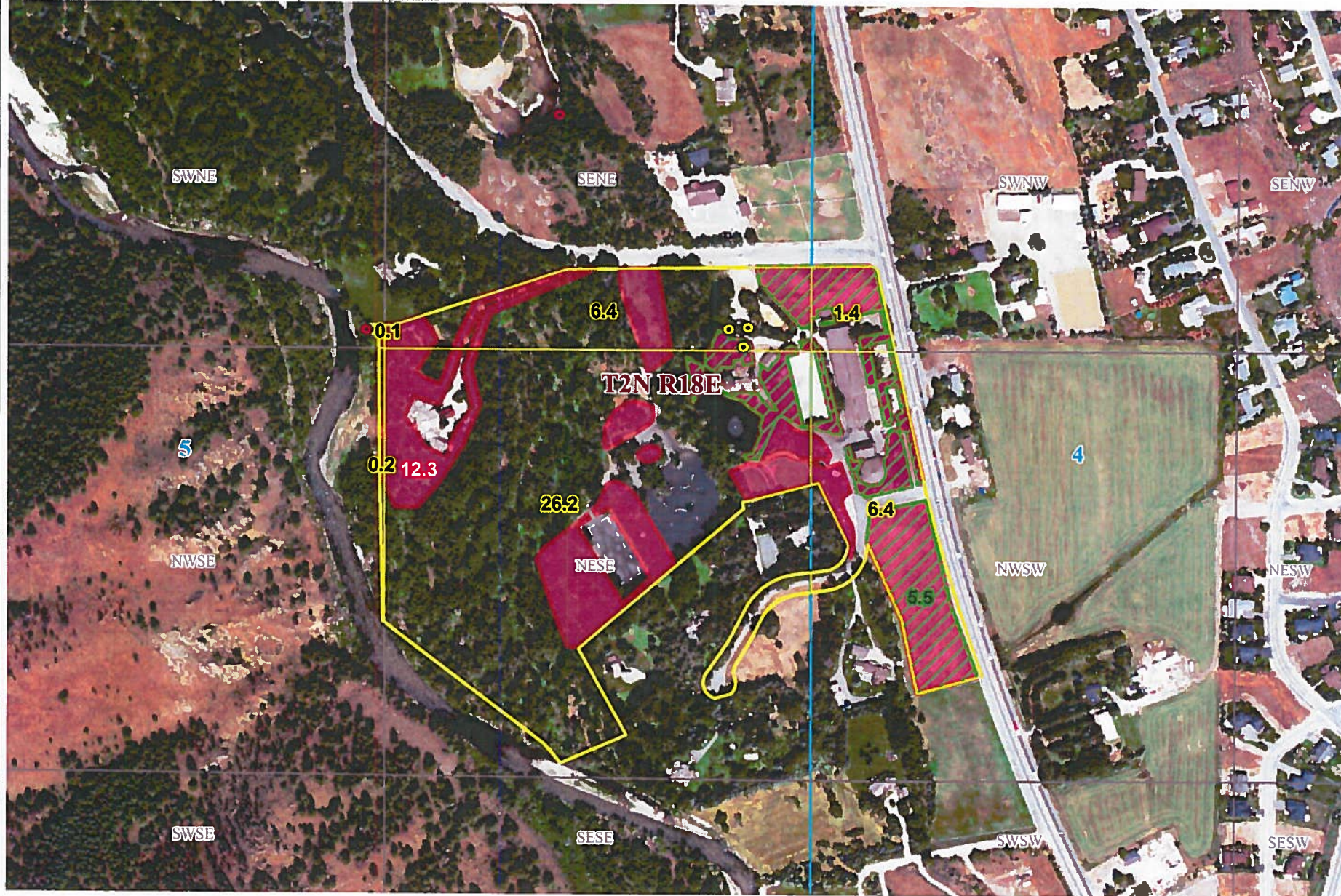
RG Farm LLC consents to allow points of diversion and places of water rights associated with Idaho Department of Water Rights owed by Peter Trust LP to be made appurtenant to lands owned by RG Farm LLC in Blaine County, Idaho.

RG Farm LLC has caused this Concurrence for Water Right Point of Diversion and Place of Use to be executed this 8 day of Aug., 2017.

By: 
RG Farm LLC

**Thomas A. Thomas
Manager**

TRANSFER 81895



0 125 250 500 Feet

BROCKWAY ENGINEERING, PLLC.
ICB -Date: 7/25/2017

PETER TRUST LP

TRANSFER APPLICATION
NAIP 2015 AERIAL

ATTACHMENT #7A

- Surface water POD
- Ground water POD
- PPU
- ▨ Ground water POU
- Surface water POU



Maline, Denise

From: Maline, Denise
Sent: Friday, September 29, 2017 9:16 AM
To: Kevin Lakey (WD 37); Cyndi WD37
Subject: Comment Letter for Transfer 81895
Attachments: Comment Letter to WM37 for 81895.docx; Transfer 81895 Peter Trust LP.pdf

Hi Kevin,

Attached is a copy of an application for transfer, currently being processed within your district. Please review the information and provide any necessary comments within 21 days.

Please contact our office if you have any questions.

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, Suite 500 • Twin Falls, Idaho 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 29, 2017

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

via e-mail

RE: Transfer No. 81895
Water Right No(s): 37-8102, 37-8446, 37-22969

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

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 28, 2017

PETER TRUST LP
2300 W SAHARA AVE STE 530
LAS VEGAS NV 89102

RE: Transfer No. 81895
Water Right No(s). 37-8102, 37-8446, 37-22969

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 **10/4/2017 and 10/11/2017**. 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 **October 23, 2017**.

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, September 28, 2017 3:08 PM
To: Idaho Mountain Express
Subject: LEGAL NOTICE
Attachments: Idaho Mtn Express ad.doc; Idaho Mtn Express cover letter.docx

Attached please find (1) legal notice being submitted for publication on October 4th & 11th, 2017. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

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, Suite 500 • Twin Falls, Idaho 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 28, 2017

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

RE: Transfer No. 81895
Water Right No(s): 37-22969, 37-8102, 37-8446

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 October 23, 2017. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81895**

PETER TRUST LP, 2300 W SAHARA AVE STE 530, LAS VEGAS, NV 89102; has filed Application No. 81895 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22969, 37-8102, 37-8446; 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 creating a 40.7 acre permissible place of use (PPU) for three water rights: two Irrigation ground water rights with a total of 0.11 cfs and 18.9 af and Big Wood River irrigation right (1.29 cfs). The three combined rights authorize the irrigation of 34.2 acres. Transfer also proposes correcting the legal description for one ground water right to describe three existing wells used to divert the right; while the other ground water right (0.01 cfs; 1.4 af; 0.4 acres) will be transferred to these same three existing wells from a well on an adjacent property. Points of diversion (PODs) for the Big Wood River right will remain unchanged. PPU and PODs are located approximately 0.8 to 1.1 miles north and 0.4 to 0.8 miles west of the intersection of Bullion St and Hwy 75 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 together with a protest fee of \$25.00 for each application on or before **October 23, 2017**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on October 4th & 11th, 2017

MEMORANDUM

Date: September 26, 2017

To: Transfer 81895 File

From: Bill Mills

Re: **Transfer Proposal**

Application for transfer proposes creating a 40.7 acre permissible place of use (PPU) for three water rights: two Irrigation ground water rights, 37-8102 (0.1cfs; 5.0 acres; 17.5 af); a split portion of 37-8446 (0.01 cfs; 0.4 acres; 1.4 af) and Big Wood River irrigation right 37-22969 (1.29 cfs; 28.8 acres). The legal description for water right 37-8102 will be corrected to describe the three existing wells used to divert water under that right. The split portion of right 37-8446 will be transferred to those same three existing wells from an adjacent property. Points of diversion (PODs) for surface water right 37-22969 will remain unchanged. Proposed PPU and PODs are located approximately 0.8 to 1.1 miles north and 0.4 to 0.8 miles west of the intersection of Bullion St and Hwy 75 in Hailey.

The applicant's representative has indicated he will provide an electronic shapefile and land list of irrigated acres for each water right in the PPU to comply with the requirements of condition 206.

Overlap analysis finds ground water right 37-8444 within the proposed PPU. This right is on a parcel owned by a separate entity but is also part of the current POU for Big Wood River Right 37-22969. Condition R67 will be added to all the rights in this transfer to limit combined use to 3.5 afa.

PODs and PPU are located in Water District 37. Water District 37 Watermaster comments will be solicited.

MEMORANDUM

Date: September 26, 2017
To: Transfer 81895
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #81895 were based on the on the current transfer fee schedule and included \$580.00 for the 1.5 cfs being transferred in the application. Fees for change of ownership were also included: \$100.00 for water right 37-8446 that is being split in the transfer and \$25.00 for water right 37-8102 (no split). Total Fee: $\$580.00 + \$100.00 + \$25.00 = \$705.00$ (Receipt No.S036337).

Mills, William

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Monday, September 25, 2017 2:39 PM
To: Mills, William
Subject: RE: Peter Trust LP Transfer Application # 81895

Bill-

Per our conversations this afternoon, let's move forward with advertisement of the application as submitted. Thanks and let me know if you have any questions.

Zach Latham

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

zach.latham@brockwayeng.com

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

From: Mills, William [mailto:William.Mills@idwr.idaho.gov]
Sent: Tuesday, September 19, 2017 3:59 PM
To: Zach Latham
Subject: Peter Trust LP Transfer Application # 81895

Zach,

After taking a closer look at the Peter Trust LP transfer application, I have to ask why the POU for the domestic and commercial portions of water right 37-8102 aren't being updated to match actual use on the ground?

The domestic portion may be fine as it is described as being in the NESE of Sec. 5, but a condition on the right states domestic use is for 1 home and 27 horses, so if it's used for horses, it seems it should include the NWSW of Sec. 4 and maybe the SWNW of Sec. 4 also.

More importantly, the commercial use is only listed in the NWSW of Sec. 4, but the horse arenas clearly overlap the SWNW of Sec. 4, the NESE of Sec. 5, and possibly the SENE of Sec. 5 also. A condition on the right states the commercial use is for two arenas.

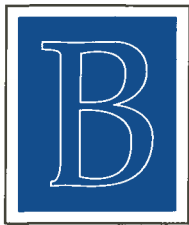
It would be nice to correct everything while we have the opportunity. However, correcting those uses would change the POU(s) and as such, would require an amended signed transfer application.

I know it's more work for you, but let me know what you think about correcting the commercial and domestic POUs also.

Thanks,
Bill



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SEP 05 2017

DEPT. OF WATER RESOURCES
SOUTHERN REGION

August 28th, 2017

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

RE: Peter Trust LP; Water Right Transfer Application.

Dear Corey,

On behalf of Peter Trust LP, Brockway Engineering is filing a water right transfer application. The water right transfer application proposes to create a permissible place of use involving ground water rights 37-8102, 37-8446 and surface water right 37-22969 while also including a portion of ground water right 37-8561 into the proposed PPU, to correct two existing ground water point of diversion locations and to add an existing ground water point of diversion to 37-8102 and 37-8446. The existing surface water diversions associated with 37-22969 are to remain unchanged. Also included is a quitclaim deed for 37-8102 from E. Parry Thomas to Peter Trust LP and a concurrence document to allow water rights owned by Peter Trust LP to be used on land owned by RG Farms LLC.

Also included is a check from Brockway Engineering for the ownership change associated with all of 37-8102 (\$25), the split portion of 37-8446 (\$100) and the transfer amount (\$580), for a total of \$705.00. Please copy our office on all future correspondence regarding the attached water right transfer application. Thank you for your assistance on this matter and if you have any questions or comments, please don't hesitate to give me a call.

Regards,

Shile Daniels on behalf of

Zach Latham, M.S., Hydrologist

Enclosures: (1) Water Right Transfer Application and Map.
(1) Quitclaim Deed for Water Right 37-8102.
(1) Concurrence Document.
(1) Brockway Engineering Check # 14197

cc: Peter Trust LP c/o Peter Thomas
Peter Sturdivant

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