

RECEIVED

JAN 30 2017

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 81331MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER2ND AMENDED
APP.

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 www.idwr.idaho.gov.

Name of Applicant(s) Yard Bird LLCCheck 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

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DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Yard Bird LLC Phone 208-721-0836
Mailing address P.O. Box 41 Ketchum, ID 83340 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 Brockway Engineering PLLC c/o Zach Latham 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]
Signature of Applicant or Authorized Representative

Preston Ziegler
Print Name and Title if applicable

1/20/17
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 _____
- 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 correct place of use based on current property ownership. Applicant also seeks to account for four new permit filings by changing the nature of use of a portion of applicants existing water rights to uses associated with the ponds described in the permit applications and supporting narrative.

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 ☐ ☒	37-7319	1.08 /	Irrigation	4/15 to 10/15	Ground Water / N/A
☐ ☒		0.01 /	Aesthetic	4/15 to 10/15	Ground Water / N/A
☐ ☒		0.01 /	Wildlife	4/15 to 10/15	Ground Water / N/A
☐ ☒		0.01 /	Recreation	4/15 to 10/15	Ground Water / N/A
☐ ☒	37-22065	6.75 /	Irrigation	4/15 to 10/31	Croy Creek / Big Wood Riv
☐ ☒		0.05 /	Aesthetic	4/15 to 10/31	Croy Creek / Big Wood Riv
☐ ☒		0.05 /	Wildlife	4/15 to 10/31	Croy Creek / Big Wood Riv
☐ ☒		0.05 /	Recreation	4/15 to 10/31	Croy Creek / Big Wood Riv
☐ ☒	37-22067	1.93 /	Irrigation	4/15 to 10/31	Bullion Creek / Croy Creek

Total authorized under rights 10.12 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 10.12 cubic feet per second and/or 3.8 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 #
		SW	NE	NE	35	2N	17E	BLAINE	GROUND WATER	WELL
		NW	NE	NE	35	2N	17E	BLAINE	GROUND WATER	WELL
		SW	NE	NE	35	2N	17E	BLAINE	GROUND WATER	WELL
		SW	NE	NE	35	2N	17E	BLAINE	CROY CREEK	CROY DIVERSION
		NE	SE	SW	35	2N	17E	BLAINE	BULLION CREEK	BULLION DIVERSION

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	17E	25							8.2			27.7	38.2	17.8	0.1	5.1	25.3	4.3	126.7
2N	17E	26																38.2	38.2
2N	17E	35	40			37.9													77.9
2N	17E	36		25.9	38.7		40.2	40.2	38.4	38						40.5			261.9
2N	17E	36					JWR												
2N	17E	25									JWR								
2N	17E	26																JWR	
Total Acres (for irrigation use)																			504.7

Amended
on
2-21-17
per Email
from Zach Lathen

IRRIGATION LIMITED TO 317.6 ACRES IN PPU AFTER TRANSFER APPROVAL.

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:

All POD's associated with these rights will divert into pond #1 as described in accompanying four permit application narrative. All POD's will be able to be locked and measured according to IDWR standards.

- b. Who owns the property at the point(s) of diversion? Applicant and Kent McAtee (37-22067).

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

- 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: 2.3 acres will be permanently dried up to account for the consumptive use associated with the four accompanying water right permits.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: 37-21285.

- 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.

JAN 30 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

Ident. No. 81331

Attachment to: ☐ Application for Permit to Appropriate Water
☐ Application for Amendment of Permit

☒ Application for Transfer**
☐ Beneficial Use Field Report

☐ Adjudication Claim
☐ Statutory Claim

[illegible]

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

[illegible]

****If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application.**

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DEPARTMENT OF WATER RESOURCES

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DEPT OF WATER RESOURCES
SOUTHERN REGION**APPLICATION FOR TRANSFER OF A WATER RIGHT**

Supplemental Page for Description of Rights after Transfer**

	<u>Right Number</u>	<u>Amount</u> <u>(cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>		<u>Source & Tributary</u>
All or Part						
☐ ☒	37-22067	0.01 /	Aesthetic	4/15	to 10/31	Bullion Creek / Croy Creek
☐ ☒		0.01 /	Wildlife	4/15	to 10/31	Bullion Creek / Croy Creek
☐ ☒		0.01 /	Recreation	4/15	to 10/31	Bullion Creek / Croy Creek
☐ ☒	37-7319	0.01 /	Diversion to Storage	4/15	to 10/15	Ground Water / N/A
☐ ☒	37-22065	0.05 /	Diversion to Storage	4/15	to 10/31	Croy Creek / Big Wood Riv
☐ ☒	37-22067	0.01 /	Diversion to Storage	4/15	to 10/31	Bullion Creek / Croy Creek
☐ ☒	37-7319	/ 3.8 af	Aesthetic Storage	01/01	to 12/31	Ground Water / N/A
☐ ☒		/ 3.8 af	Wildlife Storage	01/01	to 12/31	Ground Water / N/A
☐ ☒		/ 3.8 af	Recreation Storage	01/01	to 12/31	Ground Water / N/A
☐ ☒	37-22065	/ 3.8 af	Aesthetic Storage	01/01	to 12/31	Croy Creek / Big Wood Riv
☐ ☒		/ 3.8 af	Wildlife Storage	01/01	to 12/31	Croy Creek / Big Wood Riv
☐ ☒		/ 3.8 af	Recreation Storage	01/01	to 12/31	Croy Creek / Big Wood Riv
☐ ☒	37-22067	/ 3.8 af	Aesthetic Storage	01/01	to 12/31	Bullion Creek / Croy Creek
☐ ☒		/ 3.8 af	Wildlife Storage	01/01	to 12/31	Bullion Creek / Croy Creek
☐ ☒		/ 3.8 af	Recreation Storage	01/01	to 12/31	Bullion Creek / Croy Creek
☐ ☒	37-7319	/ 3.8 af	Irrigation Storage	01/01	to 12/31	Ground Water / N/A
☐ ☒	37-22065	/ 3.8 af	Irrigation Storage	01/01	to 12/31	Croy Creek / Big Wood Riv
☐ ☒	37-22067	/ 3.8 af	Irrigation Storage	01/01	to 12/31	Bullion Creek / Croy Creek
☐ ☒	37-22069	0.288 /	Irrigation	4/15	to 10/31	Unnamed Stream/Croy Crk
☐ ☒		0.002 /	Aesthetic	4/15	to 10/31	Unnamed Stream/Croy Crk
☐ ☒		0.002 /	Wildlife	4/15	to 10/31	Unnamed Stream/Croy Crk
☐ ☒		0.002 /	Recreation	4/15	to 10/31	Unnamed Stream/Croy Crk
☐ ☒		0.002 /	Diversion to Storage	4/15	to 10/31	Unnamed Stream/Croy Crk
☐ ☒		/ 3.8 af	Aesthetic Storage	01/01	to 12/31	Unnamed Stream/Croy Crk
☐ ☒		/ 3.8 af	Recreation Storage	01/01	to 12/31	Unnamed Stream/Croy Crk
☐ ☒		/ 3.8 af	Wildlife Storage	01/01	to 12/31	Unnamed Stream/Croy Crk
☐ ☒		/ 3.8 af	Irrigation Storage	01/01	to 12/31	Unnamed Stream/Croy Crk
☐ ☒	37-22069	0.02 /	Stockwater	01/01	to 12/31	Unnamed Stream/Croy Crk
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	

Total authorized under rights 10.12 cfs and/or 3.8 ac-ft

**Insert this page into Part 1B of the Application for Transfer of a Water Right.

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

Current Water Right No.: 37-7319

Current Owner: YARD BIRD LLC

Priority Date: 1/17/1974

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	1.09 CFS	395.7 AF
	<u>Total Diversion</u>	1.09 CFS	395.7 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4NE1/4	Sec. 35,	Twp 02N,	Rge 17E B.M.
BLAINE County				
GROUND WATER	NW1/4NE1/4NE1/4	Sec. 35,	Twp 02N,	Rge 17E B.M.
BLAINE County				
GROUND WATER	SW1/4NE1/4NE1/4	Sec. 35,	Twp 02N,	Rge 17E B.M.
BLAINE County				

Place of Use

IRRIGATION Within BLAINE County

T02N R17E S25	SWSW	39.00	T02N R17E S25	SESW	20.00
T02N R17E S25	NWSE	5.00	T02N R17E S25	SWSE	27.00
T02N R17E S25	SESE	4.00	T02N R17E S26	SESE	39.00
T02N R17E S35	NENE	40.00	T02N R17E S35	SENE	37.00
T02N R17E S36	NWNE	27.00	T02N R17E S36	SWNE	39.00
T02N R17E S36	NENW	40.00	T02N R17E S36	NWNW	40.00
T02N R17E S36	SWNW	39.00	T02N R17E S36	SENW	38.00
T02N R17E S36	NWSE	40.00			

Total Acres: 474

Conditions of Approval:

1. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
2. 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.
3. 104 If the surface water rights appurtenant to the place of use are sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
4. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
5. X27 This right is limited to the irrigation of 222 acres within the place of use described above in a single irrigation season.
6. This right when combined with Rights 37-22065, 37-22067 and 37-22069 is limited to the irrigation of 319.9 acres within the place of use described above in a single irrigation season.
7. X61 The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than the date of this approval.
8. This right is limited to a specific 222 acres within the 474 acre place of use authorized through approval of Transfer 71652. The specific 222 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 map sufficient to allow creation of an electronic shape file to be associated with this right in the Department's Geographic Information System database. Prior to any material change to the 222 acres to be irrigated within the 474 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to IDWR. Notification of the change shall be accomplished prior to the irrigation season in which the change will occur.
9. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
10. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
11. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
12. 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: 4/15/2010

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

Current Water Right No.: 37-22065

Current Owner: YARD BIRD LLC

Priority Date: 6/1/1883

Origin: Water Right

Status: Active

Basis: Decreed

Source

CROY CREEK

Tributary

BIG WOOD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Total Diversion

Diversion Rate

6.8 CFS

6.8 CFS

Annual Volume

Location of Point(s) of Diversion

CROY CREEK

BLAINE County

SW1/4NE1/4NE1/4

Sec. 35, Twp 02N, Rge 17E B.M.

Place of Use

IRRIGATION Within BLAINE County

T02N R17E S25	SWSW	39.00	T02N R17E S25	SESW	20.00
T02N R17E S25	NWSE	5.00	T02N R17E S25	SWSE	27.00
T02N R17E S25	SESE	4.00	T02N R17E S26	SESE	39.00
T02N R17E S35	NENE	40.00	T02N R17E S35	SENE	37.00
T02N R17E S36	NWNE	27.00	T02N R17E S36	SWNE	39.00
T02N R17E S36	NENW	40.00	T02N R17E S36	NWNW	40.00
T02N R17E S36	SWNW	39.00	T02N R17E S36	SENW	38.00
T02N R17E S36	NWSE	40.00			

Total Acres: 474

Conditions of Approval:

1. 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.
2. This right when combined with Rights 37-7319, 37-22067 and 37-22069 is limited to the irrigation of 319.9 acres within the place of use described above in a single irrigation season.
3. This right is limited to a specific 319.9 acres within the 474 acre place of use authorized through approval of Transfer 73854. The specific 319.9 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 map sufficient to allow creation of an electronic shape file to be associated with this right in the Department's Geographic Information System database. Prior to any material change to the 319.9 acres to be irrigated within the 474 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to IDWR. Notification of the change shall be accomplished prior to the irrigation season in which the change will occur.
4. This right is a split from former right 37-253 .
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. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
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.
8. 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.
9. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.

Decreed Date: 4/15/2010

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

Current Water Right No.: 37-22067

Current Owner: YARD BIRD LLC

Priority Date: 6/1/1883

Origin: Water Right

Status: Active

Basis: Decreed

Source

BULLION CREEK

Tributary

CROY CREEK

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Total Diversion

Diversion Rate

1.94 CFS

1.94 CFS

Annual Volume

Location of Point(s) of Diversion

BULLION CREEK

BLAINE County

NE1/4SE1/4SW1/4

Sec. 25, Twp 02N, Rge 17E B.M.

Place of Use

IRRIGATION Within BLAINE County

T02N R17E S25	SWSW	39.00	T02N R17E S25	SESW	20.00
T02N R17E S25	NWSE	5.00	T02N R17E S25	SWSE	27.00
T02N R17E S25	SESE	4.00	T02N R17E S26	SESE	39.00
T02N R17E S35	NENE	40.00	T02N R17E S35	SENE	37.00
T02N R17E S36	NWNE	27.00	T02N R17E S36	SWNE	39.00
T02N R17E S36	NENW	40.00	T02N R17E S36	NWNW	40.00
T02N R17E S36	SWNW	39.00	T02N R17E S36	SENW	38.00
T02N R17E S36	NWSE	40.00			

Total Acres: 474

Conditions of Approval:

1. 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.
2. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
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. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. This right is a split from former right 37-254 .
6. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
7. This right is limited to a specific 319.9 acres within the 474 acre place of use authorized through approval of Transfer 73855. The specific 319.9 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 map sufficient to allow creation of an electronic shape file to be associated with this right in the Department's Geographic Information System database. Prior to any material change to the 319.9 acres to be irrigated within the 474 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to IDWR. Notification of the change shall be accomplished prior to the irrigation season in which the change will occur.
8. 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.
9. This right when combined with Rights 37-7319, 37-22065 and 37-22069 is limited to the irrigation of 319.9 acres within the place of use described above in a single irrigation season.

Decreed Date: 4/15/2010

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

Current Water Right No.: 37-22069

Current Owner: YARD BIRD LLC

Priority Date: 6/1/1883

Origin: Water Right

Status: Active

Basis: Decreed

Source

UNNAMED STREAM

Tributary

CROY CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.29 CFS	
STOCKWATER	01/01 to 12/31	0.02 CFS	
	<u>Total Diversion</u>	0.29 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM

SE1/4SE1/4NW1/4

Sec. 36, Twp 02N, Rge 17E B.M.

BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T02N R17E S25	SWSW	39.00	T02N R17E S25	SESW	20.00
T02N R17E S25	NWSE	5.00	T02N R17E S25	SWSE	27.00
T02N R17E S25	SESE	4.00	T02N R17E S26	SESE	39.00
T02N R17E S35	NENE	40.00	T02N R17E S35	SENE	37.00
T02N R17E S36	NWNE	27.00	T02N R17E S36	SWNE	39.00
T02N R17E S36	NENW	40.00	T02N R17E S36	NWNW	40.00
T02N R17E S36	SWNW	39.00	T02N R17E S36	SENW	38.00
T02N R17E S36	NWSE	40.00			

Total Acres: 474

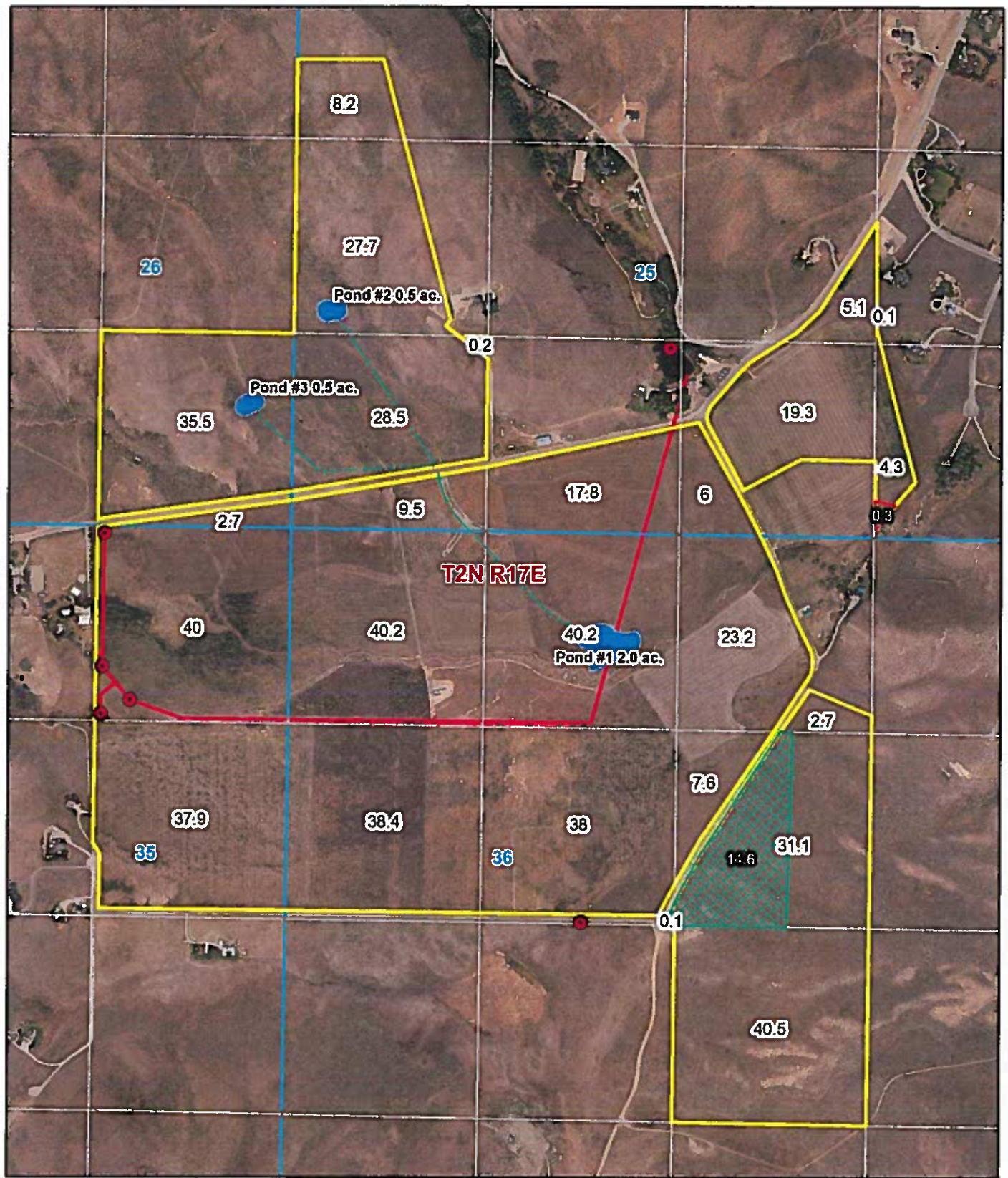
STOCKWATER Within BLAINE County

T02N R17E S25	SWSW	T02N R17E S25	SESW
T02N R17E S25	NWSE	T02N R17E S25	SWSE
T02N R17E S25	SESE	T02N R17E S26	SESE
T02N R17E S35	NENE	T02N R17E S35	SENE
T02N R17E S36	NWNE	T02N R17E S36	SWNE
T02N R17E S36	NENW	T02N R17E S36	NWNW
T02N R17E S36	SWNW	T02N R17E S36	SENW
T02N R17E S36	NWSE		

Conditions of Approval:

1. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
2. R59 This right when combined with all other rights shall provide no more than 3.5 cfs per acre at the field headgate for irrigation of the lands above.
3. 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.
4. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
5. This right is a split from former right 37-255.
6. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
7. This right is limited to a specific 319.9 acres within the 474 acre place of use authorized through approval of Transfer 73856. The specific 319.9 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 map sufficient to allow creation of an electronic shape file to be associated with this right in the Department's Geographic Information System database. Prior to any material change to the 319.9 acres to be irrigated within the 474 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to IDWR. Notification of the change shall be accomplished prior to the irrigation season in which the change will occur.
8. This right when combined with Rights 37-7319, 37-22065 and 37-22067 is limited to the irrigation of 319.9 acres within the place of use described above in a single irrigation season.
9. 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.
10. 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.
11. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 4/15/2010



0 400 800 1,600 Feet

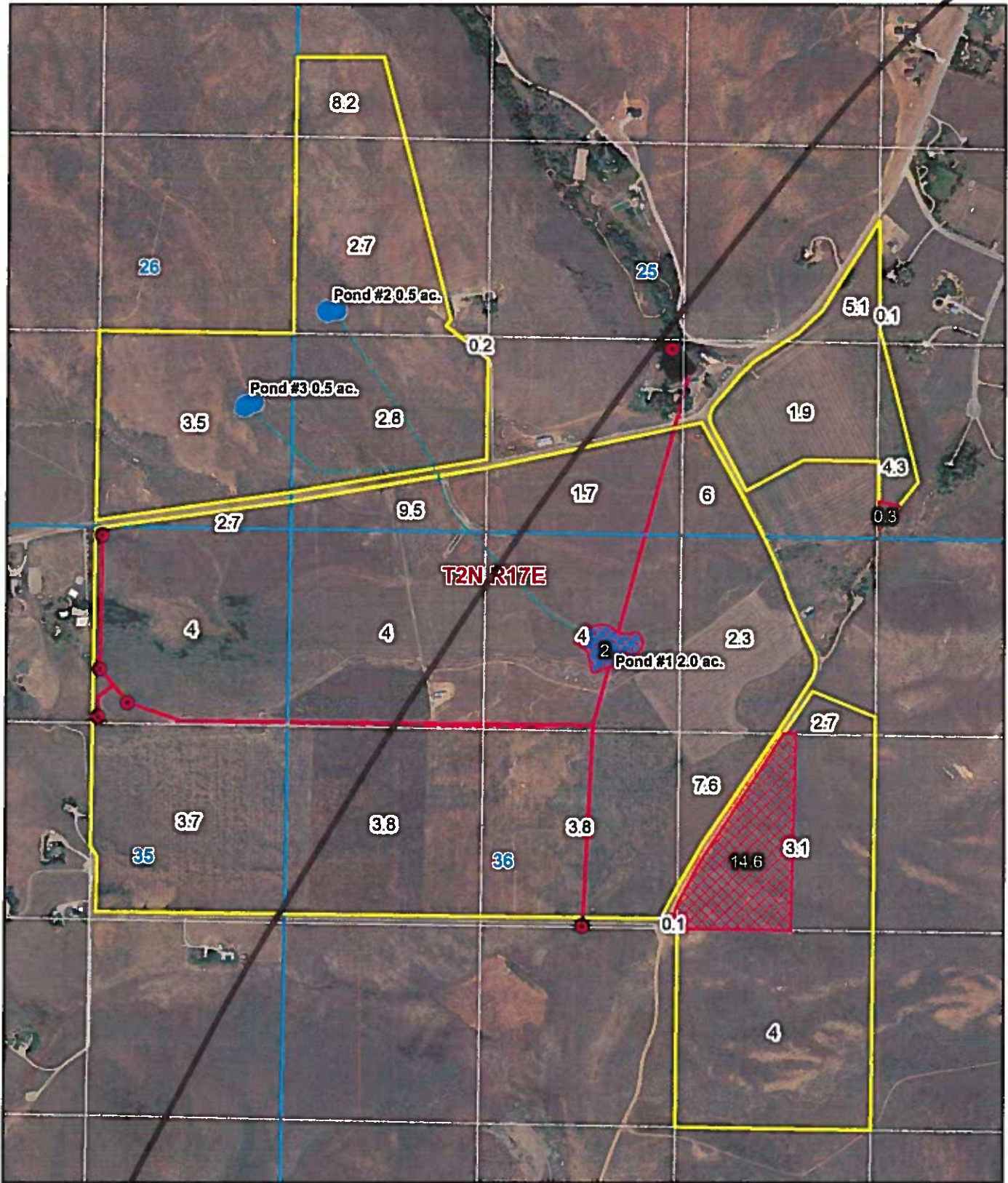
YARD BIRD LLC **FIGURE# 7A**

BROCKWAY ENGINEERING, PLLC.
ICB - Date: 3/8/2017

APPLICATION FOR TRANSFER
NAIP 2015 AERIAL

- POD
- Supply to ponds 2 & 3
- 1st-fill dry-up area
- Permanent dry-up area
- POU
- Conveyance pipe





0 400 800 1,600 Feet

YARD BIRD LLC **FIGURE# 7A**

BROCKWAY ENGINEERING, PLLC.
ICB - Date: 1/25/2017

APPLICATION FOR TRANSFER
NAIP 2015 AERIAL

- POD
- POU
- ▨ Permanent dry-up area
- Conveyance pipe
- Supply to ponds 2 & 3



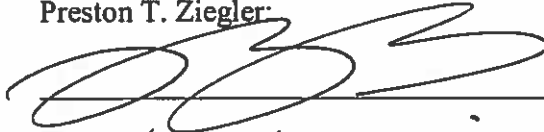
CONTRACT OF AGREEMENT FOR WATER USE

To Whom It May Concern,

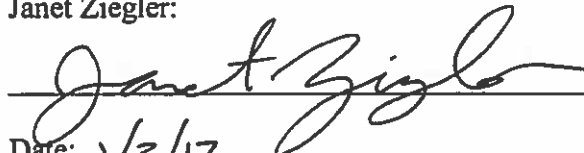
Preston T. and Janet Ziegler (Ziegler) and Yard Bird LLC (LLC) have entered into an agreement concerning the parcel of land owned by the Zieglers located at Township 02 North Range 17 East Section 25 NW ¼ and SW ¼. The parcel is located at 20 Mc Atee Lane and is identified by Blaine County as Parcel Number RP000770000070, Lot 7 Bullion Creek Subdivision.

The Zieglers authorize the LLC to distribute and apply any and all irrigation water rights owned by the LLC to the afore mentioned parcel owned by the Zieglers, and to irrigate Parcel RP000770000070 with water rights owned by Yard Bird LLC. The Zieglers have no legal claim or right to the irrigation water rights owned by the LLC that will be utilized to irrigate Parcel RP000770000070.

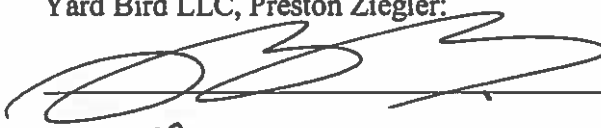
Preston T. Ziegler:


Date: 1-3-17

Janet Ziegler:


Date: 1/3/17

Yard Bird LLC, Preston Ziegler:


Title: Manager
Date: 1-3-17

RECEIVED

JAN 16 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

Received via email from Zach Lathan on 1-16-17

RECEIVED

JAN 30 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

**Narrative in Support of Water Right Permit and Transfer
Applications- AMENDED
Yard Bird LLC**

Brockway Engineering, PLLC
Zach Latham, M.S., Hydrologist
Charles G. Brockway Ph.D., P.E.

January 25, 2017

Overview

The applicant, Yard Bird ("LLC"), is the owner of water rights 37-7319, 37-22065, 37-22067 and 37-22069 (amongst others), appurtenant to property owned by the LLC in T.2N R.17E Sections 25, 26, 35 and 36 in Blaine County, ID. Ground water irrigation water right 37-7319 authorizes the diversion of 1.09 cfs from three points of diversion for the irrigation of 222 acres within an existing 474 acre permissible place of use ("PPU") from 4/15 through 10/15 annually. Croy Creek irrigation water right 37-22065 authorizes the diversion of 6.80 cfs from one point of diversion for the irrigation of 319.9 acres within the same 474 acre PPU from 4/15 through 10/31 annually. Bullion Creek irrigation water right 37-22067 authorizes the diversion of 1.94 cfs from one point of diversion for the irrigation of 319.9 acres within the same 474 acre PPU from 4/15 through 10/31 annually. Finally, Unnamed Stream irrigation and stockwater water right 37-22069 authorizes the diversion of 0.29 cfs from one point of diversion for the irrigation of 319.9 acres within the same 474 acre PPU from 4/15 through 10/31 annually. Water rights 37-7319, 37-22065, 37-22067 and 37-22069 are combined for the irrigation of 319.9 acres within the existing 474 acre PPU.

The LLC desires to create a main aesthetic, wildlife, recreation and irrigation pump pond on the property as well as two other aesthetic, wildlife, recreation and irrigation pump ponds. This desire necessitates filing the attached four water right permits (one permit per source) which seek to authorize beneficial uses associated with the ponds alongside an accompanying water right transfer application.

The main pond (pond #1) will be an off-stream, lined pond. It will have a surface area of 2.0 acres and will be 8 ft deep on average. The primary diversions to fill the pond will occur from Croy and Bullion Creeks and the Unnamed Stream listed under 37-22065, 37-22067 and 37-22069. Ground water right 37-7319 is supplemental to 37-22065, 37-22067 and 37-22069 and therefore it will not be diverted to fill the pond until such time that flow in the three surface water streams are not adequate for the irrigation of the property. Diversions to fill pond #2 will occur at the points of diversion ("POD") already associated with these four water rights, water will be piped to pond #1 from these water rights' existing POD's. Pond #1 will then be used to convey water to ponds 2 and 3 via electrical pumps through buried mainlines.

After the ponds are filled for the first time, they will remain full throughout the year from one or more of the sources listed above (dependent upon available source flows).

Irrigation within the proposed PPU under these four water rights will occur out of pond #1 and to a lesser extent, ponds 2 and 3. Although the ponds are anticipated to remain full at all times, (even while irrigation is occurring) they may be drafted down if outflow for irrigation exceeds available inflow from these four water rights. The four permits seek to allow for this irrigation management practice as they include irrigation storage and irrigation from storage uses.

One of the two smaller ponds (pond #2) will be located on Blaine County Parcel Number RP000770000070, Lot 7 Bullion Creek Subdivision owned by Preston and Janet Ziegler. Preston Ziegler is a managing member of the LLC and consent has been given by the Zieglers to allow Yard Bird LLC to exercise the existing and proposed water rights owned by the LLC on property owned by the Zieglers. This second lined pond will be a secondary irrigation pump pond to supply irrigation water to the north end of the property. This pond will have a surface area of 0.5 acres and an average depth of 8 feet. Water from pond #1 will be pumped up to pond #2. Water from water rights 37-7319, 37-22065, 37-22067 and 37-22069 will also be stored in pond #2. As is the case with pond #1, after pond #2 is filled for the first time, it will remain full throughout the year from one or more of the sources listed above. Although pond #2 is anticipated to remain full at all times, (even while irrigation is occurring) it may be drafted down if outflow for irrigation exceeds available inflow from these four water rights.

The third lined pond number 3 will also be a secondary irrigation pump pond to supply irrigation water to the west end of the property and will be located on land owned by the LLC. Pond #3 will also have a surface area of 0.5 acres and an average depth of 8 feet. Water from the pond #1 will be pumped to pond #3 and water rights 37-7319, 37-22065, 37-22067 and 37-22069 will be stored in it. As is the case with the ponds 1 and 2, after pond #3 is filled for the first time, it will remain full throughout the year from one or more of the sources listed above. Although this pond is anticipated to remain full at all times, (even while irrigation is occurring) pond #3 may be drafted down if outflow for irrigation exceeds available inflow from these four water rights.

Additionally, the attached water right transfer application seeks to account for consumptive uses associated with the permits while correcting the PPU for water rights owned by the LLC. All new proposed consumptive uses associated with the four water right permits will be accounted for by drying up acreage associated with 37-7319, 37-22065, 37-22067 and 37-22069; no new consumptive use is sought to be appropriated under the applications listed below.

Water Right Permit No. 1

The first of four water right permits seeks to authorize the year round diversion from and storage of Bullion Creek water in all three ponds for aesthetic, wildlife and recreation uses and for irrigation storage and irrigation from storage. Water will be diverted at the existing point of diversion under Bullion Creek water right 37-22067 and into an existing pond (McAtee Pond) authorized under water right 37-21285 owned by the LLC. Water

will then be diverted from the McAtee pond through a pipe to pond #1 in T.2N R.17E Section 36 NE ¼ NW ¼ as shown in the map for the permit. Water in pond #1 will be used for irrigation under 37-22067 as needed. Additionally, water will be pumped from pond #1 to ponds 2 and 3 where it will be used for year round aesthetic, wildlife and recreation uses and for irrigation, irrigation storage and irrigation from storage during the irrigation season.

The proposed diversion to storage rate of 1.93 cfs is consistent with the diversion rate authorized under 37-22067 (1.94 cfs) minus evaporative losses (0.01 cfs) from the three ponds. The year round flow through rates for aesthetic, recreation and wildlife are also proposed to be 1.93 cfs. Pond #1 will be lined and is anticipated to have a surface area of 2.0 acres and an average depth of 8 feet for a total storage area of 16.0 acre feet. Pond #2 will be lined and is anticipated to have a surface area of 0.5 acres and an average depth of 8 feet for a storage area of 4.0 acre feet. Pond #3 will also be lined and is anticipated to have a surface area of 0.5 acres and an average depth of 8 feet for a storage area of 4.0 acre feet. Total physical pond storage is 24.0 acre-feet. Water spilling from pond #1 will return to Croy Creek, ponds 2 and 3 will be controlled such that the water surface elevation will be set to be maintained by booster pumps supplying water to these ponds from pond #1. Pond #1 is located in an area that has historically been irrigated.

Annual evaporative loss P_{def} values were taken from Allen and Robison¹ for open water shallow systems using monthly mean actual evapotranspiration values from the Hailey NWS weather station. The total surface area of the proposed ponds is $2.0 + 0.5 + 0.5 = 3.0$ acres and the proposed average depth is 8 ft for each pond. Therefore, the total volume of the ponds is approximately $16.0 + 4.0 + 4.0 = 24.0$ acre-feet. At an evaporation of 385mm or 1.26 ft per year, the ponds' consumptive use associated with evaporation is $3.0 \text{ ac} \times 1.26 \text{ ft} = 3.8 \text{ ac-ft}$.

Grass pasture, low management has historically been grown in association with 37-7319, 37-22065 37-22067 and 37-22069. Per Allen and Robison, the annual P_{def} value for grass pasture, low management taken from the Hailey NWS weather station is 500 mm or 1.64 ft. In order to mitigate for 3.8 acre-feet of annual evaporative loss from the ponds, $3.8 \text{ acre-feet} / 1.64 \text{ ft} = 2.3$ acres will permanently be dried up under 37-7319, 37-22065, 37-22067, and 37-22069 on lands historically irrigated which is slightly larger than the 2.0 acre foot print associated with pond #1. An additional 0.3 acres will permanently be dried up on lands historically irrigated and has been identified on an accompanying map.

The 24.0 acre-feet of physical pond storage identified in this water right permit requires a one year, first fill mitigation component. In order to mitigate for 24.0 acre-feet of the supplemental first fill pond volume, $24.0 \text{ acre-feet} / 1.64 \text{ ft} = 14.6$ acres of a one-time, one season dry up is required. This area has been identified on an accompanying map.

¹ Allen, Richard G. and Clarence W. Robison, 2012. *Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho: Supplement updating the Time Series through December 2008*, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID.

For aesthetic, recreation and wildlife uses, this permit seeks 24.0 acre feet of physical storage and 3.8 acre feet for evaporation.

Irrigation storage and irrigation from storage uses were calculated by multiplying the irrigated acre limit of 319.9 – 2.3 acre dry up = 317.6 resulting acres by the field headgate diversion volume of 3.5 acre-feet per acre for this area to allow 1,111.6 acre-feet for each use. The irrigation and irrigation from storage volumes are intended to represent the volume of water to be stored and or diverted out of the pond for irrigation use throughout the irrigation season. The irrigation storage component on all four water right permits lists a year round season of use. The intent associated with the year round storage for this use is to allow irrigation water stored during the previous season, to be withdrawn at the beginning of the current season regardless of inflow to the pond(s). The total storage under these uses and the permit is 1,111.6 acre-feet. The diversion to storage and flow through rates for aesthetic wildlife and recreation uses proposed under this permit are consistent with the Bullion Creek diversion rate under 37-22067 (1.94 cfs) minus 0.01 cfs for evaporation, resulting in 1.93 cfs for the new uses (calculations included in Water Right Transfer Application Section of this narrative).

Seepage and or consumptive use from seepage in the ponds will not occur as the ponds will be lined. Under all four permits, non-irrigation season use in the ponds will be non-consumptive as precipitation within the ponds will exceed evaporation off of the ponds. Pond #1 overflow will re-enter the Croy Creek Channel, upstream of the Bullion and Croy Creek confluence.

Water Right Permit No. 2

The second of four water right permits seeks to authorize the year round diversion from and storage of Croy Creek water for irrigation, aesthetic, wildlife and recreation uses in, and for irrigation storage and diversion from the ponds described above. The existing Croy Creek POD will be used to convey water to pond #1, which will then be re-distributed to ponds 2 and 3. This permit is similar to permit no. 1 (except for source) as it seeks the same physical storage volume (24.0 acre-feet), evaporation volume (3.78 acre-feet), irrigation storage and irrigation from storage (1,111.6 acre-feet) for a total of 1,111.6 acre-feet.

The diversion to storage and flow through rates for aesthetic wildlife and recreation uses proposed under this permit are consistent with the Croy Creek diversion rate under 37-22065 (6.80 cfs) minus 0.05 cfs for evaporation, resulting in 6.75 cfs for the new uses. Pond construction will dry up 2.0 acres associated with 37-22065, an additional 0.3 acres to be permanently dried up has also been identified.

Water Right Permit No. 3

The third of four water right permits seeks to authorize the year round diversion from and storage of ground water for aesthetic, wildlife and recreation uses in, and for irrigation

storage and diversion from the ponds described above. This permit is similar to permit numbers 1 and 2 (except for source) as it seeks the same physical storage volume (24.0 acre-feet), evaporation volume (3.78 acre-feet), and reduced irrigation storage and irrigation from storage ($395.7 - 3.78 = 391.9$ acre-feet) for a total volume of 391.9 acre-feet. The existing ground water PODs will be used to convey water to pond #1, which will then be re-distributed to ponds 2 and 3.

The diversion to storage and flow through rates for aesthetic wildlife and recreation uses proposed under this permit are consistent with the ground water diversion rate under 37-7319 (1.09 cfs) minus 0.01 cfs for evaporation, resulting in 1.08 cfs for the new uses. Pond construction will dry up 2.0 acres associated with 37-7319, an additional 0.3 acres to be permanently dried up has also been identified.

Water Right Permit No. 4

The fourth water right permit seeks to authorize the year round diversion from and storage of the Unnamed Stream that flows through the property for irrigation, aesthetic, wildlife and recreation uses in, and for irrigation storage and diversion from the ponds described above. This permit is similar to permit numbers 1 and 2 (except for source) as it seeks the same physical storage volume (24.0 acre-feet), evaporation volume (3.78 acre-feet), irrigation storage and irrigation from storage (1,111.6 acre-feet) for a total of 1,111.6 acre-feet.

The diversion to storage and flow through rates for aesthetic wildlife and recreation uses proposed under this permit are consistent with the Unnamed Stream diversion rate under 37-22069 (0.29 cfs) minus 0.002 cfs for evaporation, resulting in 0.288 cfs for the new uses. Pond construction will dry up 2.0 acres associated with 37-22069, an additional 0.3 acres to be permanently dried up has also been identified.

Water Right Transfer Application

The proposed water right transfer is intended to accomplish two objectives: the first is to create a 504.7 acre permissible place of use around the property; the second is to change the nature of use of a portion of 37-7319, 37-22065, 37-22067 and 37-22069 to recreation, aesthetics and wildlife flow through and storage components to account for the consumptive uses associated with all four permits.

Irrigation will be limited to 317.6 acres within the proposed 504.7 acre PPU after accounting for the dry up of 2.3 acres of 37-7319, 37-22065, 37-22067 and 37-22069 to account for evaporation from the proposed ponds. The existing POD's associated with 37-7319, 37-22065, 37-22067 and 37-22069 are proposed to remain the same.

Under all four permits, the total area requiring to be dried up for the first fill of the pond during the 2017 irrigation season only, is 14.6 acres. Under these same permits, the total area requiring to be permanently dried up to account for evaporative losses is 2.3 acres.

Therefore, 1.0% (2.3 acres / 222 acres = 1.0% of 37-7319) of the flow rate associated with the irrigation use described under 37-7913, 0.72% (2.3 acres / 319.9 acres = 0.72% of 37-22065) of the flow rate associated with the irrigation use described under 37-22065, 0.72% (2.3 acres / 319.9 acres = 0.72% of 37-22067) of the flow rate associated with the irrigation use described under 37-22067 and 0.72% (2.3 acres / 319.9 acres = 0.72% of 37-22069) of the flow rate associated with the irrigation use described under 37-22069 are proposed to be changed to recreation, aesthetic and wildlife uses to account for the total consumptive use associated with the project.

The flow rate proposed for the new uses on the permits and to be changed to these uses on the transfer application under 37-7319 is $0.01 * 1.09 \text{ cfs} = 0.01 \text{ cfs}$. $1.09 \text{ cfs} - 0.01 \text{ cfs} = 1.08 \text{ cfs}$ and $222.0 \text{ acres} - 2.3 \text{ acres} = 219.7 \text{ acres}$ will remain associated with the irrigation use under 37-7319 after the proposed water right transfer is approved.

The flow rate proposed for the new uses on the permits and to be changed to these uses on the transfer application under 37-22065 is $0.0072 * 6.80 \text{ cfs} = 0.05 \text{ cfs}$. $6.80 \text{ cfs} - 0.05 \text{ cfs} = 6.75 \text{ cfs}$ and $319.9 \text{ acres} - 2.3 \text{ acres} = 317.6 \text{ acres}$ will remain associated with the irrigation use under 37-22065 after the proposed water right transfer is approved.

The flow rate proposed for the new uses on the permits and to be changed to these uses on the transfer application under 37-22067 is $0.0072 * 1.94 \text{ cfs} = 0.01 \text{ cfs}$. $1.94 \text{ cfs} - 0.01 \text{ cfs} = 1.93 \text{ cfs}$ and $319.9 \text{ acres} - 2.3 \text{ acres} = 317.6 \text{ acres}$ will remain associated with the irrigation use under 37-22067 after the proposed water right transfer is approved.

The flow rate proposed for the new uses on the permits and to be changed to these uses on the transfer application under 37-22069 is $0.0072 * 0.29 \text{ cfs} = 0.002 \text{ cfs}$. $0.29 \text{ cfs} - 0.002 \text{ cfs} = 0.288 \text{ cfs}$ and $319.9 \text{ acres} - 2.3 \text{ acres} = 317.6 \text{ acres}$ will remain associated with the irrigation use under 37-22069 after the proposed water right transfer is approved.

Permitting the pond will not result in an expansion in consumptive use or injury to any existing water right holders. These new water right permits are therefore approvable by IDWR.

No. W 36417	Due no later than Feb 29, 2016 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. YARD BIRD LLC. PETE WHITEHEAD 105 WILLOW CIRCLE HAILEY ID 83333		PETE WHITEHEAD 105 WILLOW CIRCLE HAILEY ID 83333			
			3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
MANAGER	PETE WHITEHEAD	105 WILLOW CIRCLE	HAILEY	ID		83333
MANAGER	PRESTON ZIEGLER	105 WILLOW CIRCLE	HAILEY	ID		83333
5. Organized Under the Laws of: ID W 36417		6. Annual Report must be signed.* Signature: pete whitehead Name (type or print): pete whitehead Date: 01/01/2016 Title: owner				
Processed 01/01/2016		* Electronically provided signatures are accepted as original signatures.				

TRANSFER 81331

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 81331

RECEIVED

DEC 02 2016

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

DEPT. OF WATER RESOURCES

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 www.idwr.idaho.gov.

Name of Applicant(s) Yard Bird LLCCheck 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: _____

AMENDED PAGES
RECEIVED 12/16/2016

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

DEC 16 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant(s) Yard Bird LLC Phone 208-721-0836
Mailing address P.O. Box 41 Ketchum, ID 83340 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 Brockway Engineering PLLC c/o Zach Latham 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

Preston J. Zigler - Manager
Print Name and Title if applicable

11-1-16
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 _____
- 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 correct place of use based on current property ownership. Applicant also seeks to account for three new permit filings by changing the nature of use of a portion of applicants existing water rights to uses associated with the pond described in the permit applications and supporting narrative.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED

DEC 02 2016

DEPT OF WATER RESOURCES
SOUTHERN REGIONName of Applicant(s) Yard Bird LLCPhone 208-721-0836Mailing address P.O. Box 41 Ketchum, ID 83340

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**.
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☐ No Representative

Name of Representative Brockway Engineering PLLC /o Zach LathamPhone 208-736-8543Mailing address 2016 Washington St. N. Suite #4 Twin Falls, ID 83301Email 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 **Attachment #4**.

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

[Signature]
Signature of Applicant or Authorized Representative

Preston T. Ziegler - Yard Bird LLC Manager
Print Name and Title if applicable

11-1-16
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use

☐ Change nature of use ☐ Change period of use ☐ Other _____
- 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 correct place of use based on current property ownership. Applicant also seeks to account for three new permit filings by changing the nature of use of a portion of applicants existing water rights to uses associated with the pond described in the permit applications and supporting narrative.

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DEPARTMENT OF WATER RESOURCES

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DEC 16 2016

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

DEPT OF WATER RESOURCES
SOUTHERN REGION

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 ☐ ☒	37-7319	1.08 /	Irrigation	4/15 to 10/15	Ground Water / N/A
☐ ☒		0.01 /	Aesthetic	4/15 to 10/15	Ground Water / N/A
☐ ☒		0.01 /	Wildlife	4/15 to 10/15	Ground Water / N/A
☐ ☒		0.01 /	Recreation	4/15 to 10/15	Ground Water / N/A
☐ ☒	37-22065	6.77 /	Irrigation	4/15 to 10/31	Croy Creek / Big Wood Riv
☐ ☒		0.03 /	Aesthetic	4/15 to 10/31	Croy Creek / Big Wood Riv
☐ ☒		0.03 /	Wildlife	4/15 to 10/31	Croy Creek / Big Wood Riv
☐ ☒		0.03 /	Recreation	4/15 to 10/31	Croy Creek / Big Wood Riv
☐ ☒	37-22067	1.93 /	Irrigation	4/15 to 10/31	Bullion Creek / Croy Creek

Total authorized under rights 9.83 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 9.83 cubic feet per second and/or 2.5 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 #
		SW	NE	NE	35	2N	17E	BLAINE	GROUND WATER	WELL
		NW	NE	NE	35	2N	17E	BLAINE	GROUND WATER	WELL
		SW	NE	NE	35	2N	17E	BLAINE	GROUND WATER	WELL
		SW	NE	NE	35	2N	17E	BLAINE	CROY CREEK	CROY DIVERSION
		NE	SE	SW	35	2N	17E	BLAINE	BULLION CREEK	BULLION DIVERSION

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	17E	25							8.2			27.7	38.2	17.8	0.1	5.1	25.3	4.3	126.7
2N	17E	26																38.2	38.2
2N	17E	35	40			37.9													77.9
2N	17E	36		25.9	38.7		40.2	40.2	38.4	38						40.5			261.9
2N	17E	36					JWR												
Total Acres (for irrigation use)																			504.7

IRRIGATION LIMITED TO 318.4 ACRES IN PPU AFTER TRANSFER APPROVAL.

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DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION 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 ☐ ☒	37-7319	1.08 /	Irrigation	4/15 to 10/15	Ground Water / N/A
☐ ☒		0.01 / 2.5	Aesth / Aesth Storage	01/01 to 12/31	Ground Water / N/A
☐ ☒		0.01 / 2.5	Wildlife / Wild. Storage	01/01 to 12/31	Ground Water / N/A
☐ ☒		0.01 / 2.5	Rec. / Rec. Storage	01/01 to 12/31	Ground Water / N/A
☐ ☒	37-22065	6.77 /	Irrigation	4/15 to 10/31	Croy Creek / Big Wood Riv
☐ ☒		0.03 / 2.5	Aesth / Aesth Storage	01/01 to 12/31	Croy Creek / Big Wood Riv
☐ ☒		0.03 / 2.5	Wildlife / Wild. Storage	01/01 to 12/31	Croy Creek / Big Wood Riv
☐ ☒		0.03 / 2.5	Rec. / Rec. Storage	01/01 to 12/31	Croy Creek / Big Wood Riv
☐ ☒	37-22067	1.93 /	Irrigation	4/15 to 10/15	Bullion Creek / Croy Creek
Total authorized under rights		9.83	cfs and/or	acre-feet.	

2. Total amount of water proposed to be transferred or changed 9.83 cubic feet per second and/or 2.5 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. This transfer proposed 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 #
		SW	NE	NE	35	2N	17E	BLAINE	GROUND WATER	WELL
		NW	NE	NE	35	2N	17E	BLAINE	GROUND WATER	WELL
		SW	NE	NE	35	2N	17E	BLAINE	GROUND WATER	WELL
		SW	NE	NE	35	2N	17E	BLAINE	CROY CREEK	CROY DIVERSION
		NE	SE	SW	35	2N	17E	BLAINE	BULLION CREEK	BULLION DIVERSION

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	17E	25							8.2			27.7	38.2	17.8	0.1	5.1	25.3	4.3	126.7
2N	17E	26																38.2	38.2
2N	17E	35	40			37.9													77.9
2N	17E	36		25.9	38.7		40.2	40.2	38.4	38						40.5			261.9
2N	17E	36					JWR												
Total Acres (for irrigation use)																			504.7

IRRIGATION LIMITED TO 318.4 ACRES IN PPU AFTER TRANSFER APPROVAL.

— AMENDED —

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
☐ ☒	37-7319	1.08 /	Irrigation	4/15 to 10/15	Ground Water / N/A
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☐ ☒		0.03 /	Wildlife	01/01 to 12/31	Croy Creek / Big Wood Riv
☐ ☒		0.03 /	Recreation	01/01 to 12/31	Croy Creek / Big Wood Riv
☐ ☒	37-22067	1.93 /	Irrigation	4/15 to 10/31	Bullion Creek / Croy Creek

Total authorized under rights 9.83 cfs and/or acre-feet.

2. Total amount of water proposed to be transferred or changed 9.83 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 point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		SW	NE	NE	35	2N	17E	BLAINE	GROUND WATER	WELL
		NW	NE	NE	35	2N	17E	BLAINE	GROUND WATER	WELL
		SW	NE	NE	35	2N	17E	BLAINE	GROUND WATER	WELL
		SW	NE	NE	35	2N	17E	BLAINE	CROY CREEK	CROY DIVERSION
		NE	SE	SW	35	2N	17E	BLAINE	BULLION CREEK	BULLION DIVERSION

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	17E	25							8.2			27.7	38.2	17.8	0.1	5.1	25.3	4.3	126.7
2N	17E	26																38.2	38.2
2N	17E	35	40							37.9									77.9
2N	17E	36		25.9	38.7			40.2	40.2	38.4	38					40.5			261.9
Total Acres (for irrigation use)																			504.7

IRRIGATION LIMITED TO 318.4 ACRES IN PPU AFTER TRANSFER APPROVAL.

— SUPERSEDED —

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DEC 16 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF A WATER RIGHT

Supplemental Page for Description of Rights after Transfer**

[illegible]

Total authorized under rights 9.83 cfs and/or 2.5 ac-ft

****Insert this page into Part 1B of the Application for Transfer of a Water Right.**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF A WATER RIGHT

Supplemental Page for Description of Rights after Transfer**

[illegible]

Total authorized under rights 9.83 cfs and/or 2.5 ac-ft

****Insert this page into Part 1B of the Application for Transfer of a Water Right.**

AMENDED -

APPLICATION FOR TRANSFER OF A WATER RIGHT
Supplemental Page for Description of Rights after Transfer**

[illegible]

****Insert this page into Part 1B of the Application for Transfer of a Water Right.**

— SUPERSEDED —

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:

All POD's associated with these rights will divert into a pond described in accompanying three permit applications. POD's for 37-7319 and 37-22065 are hydraulically connected. All POD's will be able to be locked and measured.

- b. Who owns the property at the point(s) of diversion? Applicant and Kent McAtee (37-22067).

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

- 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:
1.5 acres will be permanently dried up to account for the consumptive use associated with the three accompanying water right permits. The associated flow rate will also be converted to aesthetic, wildlife and recreation uses.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
37-21285.

- 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.: 37-7319

Current Owner: YARD BIRD LLC

Priority Date: 1/17/1974

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	1.09 CFS	395.7 AF
	<u>Total Diversion</u>	1.09 CFS	395.7 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4NE1/4	Sec. 35,	Twp 02N,	Rge 17E B.M.
BLAINE County				
GROUND WATER	NW1/4NE1/4NE1/4	Sec. 35,	Twp 02N,	Rge 17E B.M.
BLAINE County				
GROUND WATER	SW1/4NE1/4NE1/4	Sec. 35,	Twp 02N,	Rge 17E B.M.
BLAINE County				

Place of Use

IRRIGATION Within BLAINE County

T02N R17E S25	SWSW	39.00	T02N R17E S25	SESW	20.00
T02N R17E S25	NWSE	5.00	T02N R17E S25	SWSE	27.00
T02N R17E S25	SESE	4.00	T02N R17E S26	SESE	39.00
T02N R17E S35	NENE	40.00	T02N R17E S35	SENE	37.00
T02N R17E S36	NWNE	27.00	T02N R17E S36	SWNE	39.00
T02N R17E S36	NENW	40.00	T02N R17E S36	NWNW	40.00
T02N R17E S36	SWNW	39.00	T02N R17E S36	SENW	38.00
T02N R17E S36	NWSE	40.00			

Total Acres: 474

Conditions of Approval:

1. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
2. 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.
3. 104 If the surface water rights appurtenant to the place of use are sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
4. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
5. X27 This right is limited to the irrigation of 222 acres within the place of use described above in a single irrigation season.
6. This right when combined with Rights 37-22065, 37-22067 and 37-22069 is limited to the irrigation of 319.9 acres within the place of use described above in a single irrigation season.
7. X61 The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than the date of this approval.
8. This right is limited to a specific 222 acres within the 474 acre place of use authorized through approval of Transfer 71652. The specific 222 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 map sufficient to allow creation of an electronic shape file to be associated with this right in the Department's Geographic Information System database. Prior to any material change to the 222 acres to be irrigated within the 474 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to IDWR. Notification of the change shall be accomplished prior to the irrigation season in which the change will occur.
9. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
10. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
11. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
12. 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: 4/15/2010

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

Current Water Right No.: 37-22065

Current Owner: YARD BIRD LLC

Priority Date: 6/1/1883

Origin: Water Right

Status: Active

Basis: Decreed

Source

CROY CREEK

Tributary

BIG WOOD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Diversion Rate

6.8 CFS

Annual Volume

Total Diversion

6.8 CFS

Location of Point(s) of Diversion

CROY CREEK

SW1/4NE1/4NE1/4

Sec. 35, Twp 02N, Rge 17E B.M.

BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T02N R17E S25	SWSW	39.00	T02N R17E S25	SESW	20.00
T02N R17E S25	NWSE	5.00	T02N R17E S25	SWSE	27.00
T02N R17E S25	SESE	4.00	T02N R17E S26	SESE	39.00
T02N R17E S35	NENE	40.00	T02N R17E S35	SENE	37.00
T02N R17E S36	NWNE	27.00	T02N R17E S36	SWNE	39.00
T02N R17E S36	NENW	40.00	T02N R17E S36	NWNW	40.00
T02N R17E S36	SWNW	39.00	T02N R17E S36	SENW	38.00
T02N R17E S36	NWSE	40.00			

Total Acres: 474

Conditions of Approval:

1. 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.
2. This right when combined with Rights 37-7319, 37-22067 and 37-22069 is limited to the irrigation of 319.9 acres within the place of use described above in a single irrigation season.
3. This right is limited to a specific 319.9 acres within the 474 acre place of use authorized through approval of Transfer 73854. The specific 319.9 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 map sufficient to allow creation of an electronic shape file to be associated with this right in the Department's Geographic Information System database. Prior to any material change to the 319.9 acres to be irrigated within the 474 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to IDWR. Notification of the change shall be accomplished prior to the irrigation season in which the change will occur.
4. This right is a split from former right 37-253 .
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. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
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.
8. 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.
9. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.

Decreed Date: 4/15/2010

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

Current Water Right No.: 37-22067

Current Owner: YARD BIRD LLC

Priority Date: 6/1/1883

Origin: Water Right

Status: Active

Basis: Decreed

Source

BULLION CREEK

Tributary

CROY CREEK

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Diversion Rate

1.94 CFS

Annual Volume

Total Diversion

1.94 CFS

Location of Point(s) of Diversion

BULLION CREEK

NE1/4SE1/4SW1/4

Sec. 25, Twp 02N, Rge 17E B.M.

BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T02N R17E S25	SWSW	39.00	T02N R17E S25	SESW	20.00
T02N R17E S25	NWSE	5.00	T02N R17E S25	SWSE	27.00
T02N R17E S25	SESE	4.00	T02N R17E S26	SESE	39.00
T02N R17E S35	NENE	40.00	T02N R17E S35	SENE	37.00
T02N R17E S36	NWNE	27.00	T02N R17E S36	SWNE	39.00
T02N R17E S36	NENW	40.00	T02N R17E S36	NWNW	40.00
T02N R17E S36	SWNW	39.00	T02N R17E S36	SENW	38.00
T02N R17E S36	NWSE	40.00			

Total Acres: 474

Conditions of Approval:

1. 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.
2. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
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. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. This right is a split from former right 37-254 .
6. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
7. This right is limited to a specific 319.9 acres within the 474 acre place of use authorized through approval of Transfer 73855. The specific 319.9 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 map sufficient to allow creation of an electronic shape file to be associated with this right in the Department's Geographic Information System database. Prior to any material change to the 319.9 acres to be irrigated within the 474 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to IDWR. Notification of the change shall be accomplished prior to the irrigation season in which the change will occur.
8. 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.
9. This right when combined with Rights 37-7319, 37-22065 and 37-22069 is limited to the irrigation of 319.9 acres within the place of use described above in a single irrigation season.

Decreed Date: 4/15/2010

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:

[illegible]

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by CH/Am Date 12-16-2016 Preliminary check by _____ Date _____

Fee paid \$1,220 - Date 12/2/2016 Received by JM Receipt # 5035832

Add'l fee paid \$250 - Date 1-23-2017 Received by DM Receipt # 5035895

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

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:

FOR DEPARTMENT USE ONLY

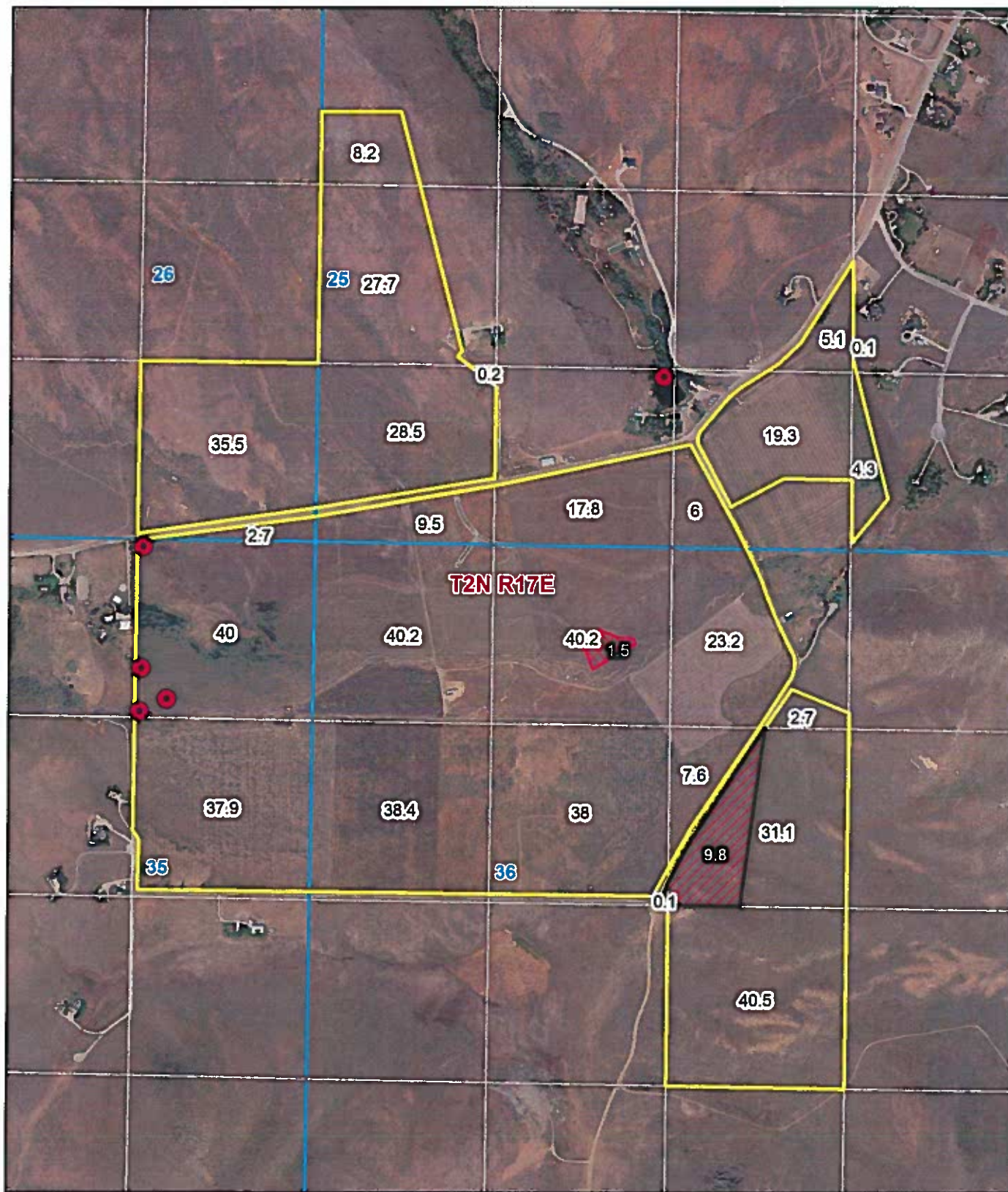
Transfer contains _____ pages and _____ attachments.

Received by TF/DM Date 12-2-2016 Preliminary check by _____ Date _____

Fee paid \$1,220 - Date 12-2-2016 Received by DM Receipt # 5035832

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)



0 500 1,000 2,000 Feet

YARD BIRD LLC **FIGURE# 7A**

BROCKWAY ENGINEERING, PLLC.
ICB - Date: 10/3/2016

APPLICATION FOR TRANSFER
NAIP 2015 AERIAL

- POD
- POU
- ▨ First fill dry-up
- ▩ Permanent dry-up area



RECEIVED

DEC 16 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

**Narrative in Support of Water Right Permit and Transfer
Applications
Yard Bird LLC**

Brockway Engineering, PLLC
Zach Latham, M.S., Hydrologist
Charles G. Brockway Ph.D., P.E.

November 29, 2016

Overview

The applicant, Yard Bird ("LLC"), is the owner of water rights 37-7319, 37-22065 and 37-22067 (amongst others), appurtenant to property owned by the LLC in T.2N R.17E Sections 25, 26, 35 and 36 in Blaine County, ID. Ground water irrigation water right 37-7319 authorizes the diversion of 1.09 cfs from three points of diversion for the irrigation of 222 acres within a 474 acre permissible place of use ("PPU") from 4/15 through 10/15 annually. Croy Creek irrigation water right 37-22065 authorizes the diversion of 6.80 cfs from one point of diversion for the irrigation of 319.9 acres within the same 474 acre PPU from 4/15 through 10/31 annually. Finally, Bullion Creek irrigation water right 37-22067 authorizes the diversion of 1.94 cfs from one point of diversion for the irrigation of 319.9 acres within the same 474 acre PPU from 4/15 through 10/31 annually. Water rights 37-7319, 37-22065 and 37-22067 are combined for the irrigation of 319.9 acres in the 474 acre PPU.

The new property owners desire to create an aesthetic, wildlife, recreation and irrigation pump pond on the property. This desire necessitates filing the attached three water right permits (one permit per source) which seek to authorize beneficial uses associated with the pond alongside an accompanying water right transfer application. The pond will be an off-stream, lined pond. It will have a surface area of 2.0 acres and will be 8 ft deep on average. The primary diversions to fill the pond will occur from Croy and Bullion Creeks listed under 37-22065 and 37-22067. Ground water right 37-7319 is supplemental to 37-22065 and 37-22067 and therefore it will not be diverted to fill the pond until such time that flow in the two surface water streams are not adequate for the irrigation of the property. Diversions to fill the pond will occur at the points of diversion ("POD") already associated with these three water rights as all points of diversions associated with 37-22065 and 37-7319 are currently hydraulically connected. After the pond is filled for the first time, the pond will remain full throughout the year from one or more of the sources listed above. Irrigation under these three water rights will occur from the pond. Although the pond is anticipated to remain full at all times, even while irrigation is occurring, the applicant seeks to be able to draft the pond down for irrigation use if needed.

Additionally, the attached water right transfer application seeks to account for consumptive uses associated with the permits while correcting the PPU for water rights

1st
AMENDED NARRATIVE

owned by the LLC. All new proposed consumptive uses associated with the three water right permits will be accounted for by drying up acreage associated with 37-7319, 37-22065 and 37-22067; no new consumptive use is sought to be appropriated under the applications listed below.

Water Right Permit No. 1

The first of three water right permits seeks to authorize the year round diversion to and storage of Bullion Creek water in the pond for aesthetic, wildlife, recreation, irrigation storage and irrigation from storage (during the irrigation season) uses. Water will be diverted at the existing point of diversion under Bullion Creek water right 37-22067 and into an existing pond authorized under water right 37-21285 owned by the LLC. Water will then be conveyed to the proposed pond for the proposed uses. Excess water will exit this existing pond and be piped to the proposed pond in T.2N R.17E Section 36 NE ¼ NW ¼ as shown in the map for the permit. The proposed diversion to storage rate of 1.93 cfs is consistent with the diversion rate authorized under 37-22067 minus the flow rate to be dedicated to evaporation. The flow through rates for aesthetic, recreation and wildlife are also proposed to be 1.93 cfs. The pond will be lined and is anticipated to have a surface area of 2.0 acres and an average depth of 8 feet for a total storage area of 16.0 acre feet. Water will then return to Croy Creek after exiting the pond. The proposed pond is located in an area that has historically been irrigated.

The 16.0 acre-feet of physical pond storage identified in this water right permit requires a one year, first fill mitigation component. In order to mitigate for 16.0 acre-feet of the supplemental first fill pond volume, $16.0 \text{ acre-feet} / 1.64 \text{ ft} = 9.8 \text{ acres}$ of a one-time, one season dry up is required. This area has been identified on an accompanying map. For aesthetic, recreation and wildlife uses, this permit seeks 16.0 acre-feet for the physical storage associated with the pond.

Irrigation storage and irrigation from storage uses were calculated by multiplying the irrigated acre limit (after accounting for 1.5 acres to be allocated to evaporation) of 318.4 acres by the field headgate diversion volume of 3.5 acre-feet per acre for this area (even though 37-22067 has no volume limitation) to allow 1,114.4 acre-feet for each use. The irrigation and irrigation from storage volumes are intended to represent the volume of water to be diverted out of the pond for irrigation use throughout the irrigation season. The season of use associated with these two uses is proposed to be year round so that water stored near the end of an irrigation season, can be diverted the following season without having to re-fill the pond for these uses. The total storage under these uses and the permit is 1,114.4 acre-feet. Seepage and or consumptive use from seepage in the pond will not occur as the pond will be lined. Under this permit, non-irrigation season use in the pond will be non-consumptive as precipitation within the pond will exceed evaporation off of the pond and pond overflow will re-enter the Croy Creek Channel, upstream of the Bullion and Croy Creek confluence.

Water Right Permit No. 2

The second of three water right permits seeks to authorize the year round diversion to and storage of Croy Creek water in the pond for aesthetic, wildlife, recreation, irrigation storage and irrigation from storage uses. This permit is identical to permit no. 1 (except for source) in that it seeks the same physical storage volume (16.0 acre-feet), irrigation storage and irrigation from storage (1114.4 acre-feet) for a total of 1114.4 acre-feet. The diversion to storage and flow through rates for aesthetic wildlife and recreation uses proposed under this permit is consistent with the Croy Creek diversion rate under 37-22065 after accounting for evaporation, which is 6.77 cfs. Pond construction will “dry up” 2.0 acres associated with 37-22065, which will more than adequately account for the consumptive use associated with evaporation under this permit as 37-22065 has historically been used where the proposed pond is to be located. Under this permit, non-irrigation season use in the pond will be non-consumptive as precipitation within the pond will exceed evaporation off of the pond and any pond overflow will re-enter the Croy Creek Channel.

Water Right Permit No. 3

The third of three water right permits seeks to authorize the year round diversion from and storage of ground water for aesthetic, wildlife and recreation uses in the pond described above. This permit is identical to permit numbers 1 and 2 (except for source) in that it seeks the same physical pond storage volume (16.0 acre-feet) and similar irrigation storage and irrigation from storage uses (393.2 acre-feet) for a total of 393.2 acre-feet. The diversion to storage and flow through rates for aesthetic wildlife and recreation uses proposed under this permit are consistent with the ground water diversion rate under 37-7319 minus the flow rate to be allocated to evaporation, for a total of 1.08 cfs. Pond construction will physically “dry up” 2.0 acres associated with 37-7319, which will more than adequately account for the consumptive use associated with evaporation under this permit as 37-7319 has historically been used where the proposed pond is to be located. Under this permit, non-irrigation season use in the pond will be non-consumptive as precipitation within the pond will exceed evaporation off of the pond and any pond overflow will enter the Croy Creek channel and seep back into the aquifer.

Water Right Transfer Application

The proposed water right transfer is intended to accomplish two objectives: the first is to create a permissible place of use around the property; the second is to change the nature of use of a portion of 37-7319, 37-22065 and 37-22067 to new uses (recreation, aesthetics and wildlife amongst others) to account for the consumptive uses associated with all three permits.

Annual evaporative loss P_{def} values were taken from Allen and Robison¹ for open water shallow systems using monthly mean actual evapotranspiration values for the Hailey NWS station. The surface area of the proposed pond is 2.0 acres and the proposed average depth is 8 ft. Therefore, the total volume of the pond is approximately 16.0 acre-feet. At an evaporation of 385mm or 1.26 ft per year, the pond's consumptive use associated with evaporation is $2.0 \text{ ac} \times 1.26 \text{ ft} = 2.52 \text{ ac-ft}$.

Grass pasture, low management has historically been grown in association with 37-7319, 37-22065 and 37-22067 where the pond is proposed to be located. Per Allen and Robison, the annual P_{def} value for grass pasture, low management taken from the Hailey NWS weather station is 500 mm or 1.64 ft. In order to mitigate for 2.52 acre-feet of annual evaporative loss from the pond, $2.52 \text{ acre-feet} / 1.64 \text{ ft} = 1.5 \text{ acres}$ will permanently be dried up under 37-7319, 37-22065 and 37-22067, which is slightly smaller than the 2.0 acre pond foot print. This area to be permanently dried up will be where the pond will be dug and has been identified on an accompanying map. The remaining 0.5 irrigated acres that will be turned into open water, but not required to be dried up to meet the evaporative loss associated with the pond's surface area, will be irrigated elsewhere on the property inside the proposed PPU.

Irrigation will be limited to 318.4 acres within the proposed 504.7 acre PPU after accounting for the dry up of 1.5 acres of 37-7319, 37-22065 and 37-22067 to account for evaporation from the proposed pond. The existing POD's associated with 37-7319, 37-22065 and 37-22067 will remain the same.

Under all three permits, the total area requiring to be dried up for the 2017 irrigation season only is 9.8 acres to account for the first fill of the pond. Under these same permits, the total area requiring to be permanently dried up to account for evaporative losses is the same 1.5 acres. Therefore, 0.67% ($1.5 \text{ acres} / 222 \text{ acres} = 0.67\%$ of 37-7319) of the flow rate associated with the irrigation use described under 37-7913, 0.47% ($1.5 \text{ acres} / 319.9 \text{ acres} = 0.47\%$ of 37-22065) of the flow rate associated with the irrigation use described under 37-22065 and 0.47% ($1.5 \text{ acres} / 319.9 \text{ acres} = 0.47\%$ of 37-22067) of the flow rate associated with the irrigation use described under 37-22067 are proposed to be changed to recreation, aesthetic and wildlife uses to account for the total consumptive use associated with the project.

The flow rate proposed to be changed to these uses on the transfer application under 37-7319 is $0.0067 * 1.09 \text{ cfs} = 0.01 \text{ cfs}$. $1.09 \text{ cfs} - 0.01 \text{ cfs} = 1.08 \text{ cfs}$ and $222.0 \text{ acres} - 1.5 \text{ acres} = 220.5 \text{ acres}$ will remain associated with the irrigation use under 37-7319 after the proposed water right transfer is approved. The flow rate proposed to be changed to these uses on the transfer application under 37-22065 is $0.0047 * 6.80 \text{ cfs} = 0.03 \text{ cfs}$. $6.80 \text{ cfs} - 0.03 \text{ cfs} = 6.77 \text{ cfs}$ and $319.9 \text{ acres} - 1.5 \text{ acres} = 318.4 \text{ acres}$ will remain associated with the irrigation use under 37-22065 after the proposed water right transfer is approved.

¹ Allen, Richard G. and Clarence W. Robison, 2012. *Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho: Supplement updating the Time Series through December 2008*, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID.

The flow rate proposed to be changed to these uses on the transfer application under 37-22067 is $0.0047 * 1.94 \text{ cfs} = 0.01 \text{ cfs}$. $1.94 \text{ cfs} - 0.01 \text{ cfs} = 1.93 \text{ cfs}$ and $319.9 \text{ acres} - 1.5 \text{ acres} = 318.4 \text{ acres}$ will remain associated with the irrigation use under 37-22067 after the proposed water right transfer is approved.

Permitting the pond will not result in an expansion in consumptive use or injury to any existing water right holders. These new water right permits are therefore approvable by IDWR.

DEC 02 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

Narrative in Support of Water Right Permit and Transfer Applications Yard Bird LLC

Brockway Engineering, PLLC
Zach Latham, M.S., Hydrologist
Charles G. Brockway Ph.D., P.E.

November 29, 2016

Overview

The applicant, Yard Bird ("LLC"), is the owner of water rights 37-7319, 37-22065 and 37-22067 (amongst others), appurtenant to property owned by the LLC in T.2N R.17E Sections 25, 26, 35 and 36 in Blaine County, ID. Ground water irrigation water right 37-7319 authorizes the diversion of 1.09 cfs from three points of diversion for the irrigation of 222 acres within a 474 acre permissible place of use ("PPU") from 4/15 through 10/15 annually. Croy Creek irrigation water right 37-22065 authorizes the diversion of 6.80 cfs from one point of diversion for the irrigation of 319.9 acres within the same 474 acre PPU from 4/15 through 10/31 annually. Finally, Bullion Creek irrigation water right 37-22067 authorizes the diversion of 1.94 cfs from one point of diversion for the irrigation of 319.9 acres within the same 474 acre PPU from 4/15 through 10/31 annually. Water rights 37-7319, 37-22065 and 37-22067 are combined for the irrigation of 319.9 acres in the 474 acre PPU.

The new property owners desire to create an aesthetic, wildlife, recreation and irrigation pump pond on the property. This desire necessitates filing the attached three water right permits (one permit per source) which seek to authorize beneficial uses associated with the pond alongside an accompanying water right transfer application. The pond will be an off-stream, lined pond. It will have a surface area of 2.0 acres and will be 8 ft deep on average. The primary diversions to fill the pond will occur from Croy and Bullion Creeks listed under 37-22065 and 37-22067. Ground water right 37-7319 is supplemental to 37-22065 and 37-22067 and therefore it will not be diverted to fill the pond until such time that flow in the two surface water streams are not adequate for the irrigation of the property. Diversions to fill the pond will occur at the points of diversion ("POD") already associated with these three water rights as all points of diversions associated with 37-22065 and 37-7319 are currently hydraulically connected. After the pond is filled for the first time, the pond will remain full throughout the year from one or more of the sources listed above. Irrigation under these three water rights will likely out of the pond, although the pond is anticipated to remain full at all times, even while irrigation is occurring.

Additionally, the attached water right transfer application seeks to account for consumptive uses associated with the permits while correcting the PPU for water rights owned by the LLC. All new proposed consumptive uses associated with the three water

right permits will be accounted for by drying up acreage associated with 37-7319, 37-22065 and 37-22067; no new consumptive use is sought to be appropriated under the applications listed below.

Water Right Permit No. 1

The first of three water right permits seeks to authorize the year round diversion from and storage of Bullion Creek water for aesthetic, wildlife and recreation uses and for irrigation storage and diversion from the pond during the irrigation season. Water will be diverted at the existing point of diversion under Bullion Creek water right 37-22067 and into an existing pond authorized under water right 37-21285 owned by the LLC. Water will then be diverted from the pond for irrigation use under 37-22067 as needed. Excess water will exit this existing pond and be piped to the proposed pond in T.2N R.17E Section 36 NE ¼ NW ¼ as shown in the map for the permit. The proposed diversion to storage rate of 1.94 cfs is consistent with the diversion rate authorized under 37-22067. The flow through rates for aesthetic, recreation and wildlife are also proposed to be 1.94 cfs. The pond will be lined and is anticipated to have a surface area of 2.0 acres and an average depth of 8 feet for a total storage area of 16.0 acre feet. Water will then return to Croy Creek after exiting the pond. The proposed pond is located in an area that has historically been irrigated.

Annual evaporative loss P_{def} values were taken from Allen and Robison¹ for open water shallow systems using monthly mean actual evapotranspiration values for the Hailey NWS station. The surface area of the proposed pond is 2.0 acres and the proposed average depth is 8 ft. Therefore, the total volume of the pond is approximately 16.0 acre-feet. At an evaporation of 385mm or 1.26 ft per year, the pond's consumptive use associated with evaporation is $2.0 \text{ ac} \times 1.26 \text{ ft} = 2.52 \text{ ac-ft}$.

Grass pasture, low management has historically been grown in association with 37-7319, 37-22065 and 37-22067 where the pond is proposed to be located. Per Allen and Robison, the annual P_{def} value for grass pasture, low management taken from the Hailey NWS weather station is 500 mm or 1.64 ft. In order to mitigate for 2.52 acre-feet of annual evaporative loss from the pond, $2.52 \text{ acre-feet} / 1.64 \text{ ft} = 1.5 \text{ acres}$ will permanently be dried up under 37-7319, 37-22065 and 37-22067, which is slightly smaller than the 2.0 acre pond foot print. This area to be permanently dried up will be where the pond will be dug and has been identified on an accompanying map. The remaining 0.5 irrigated acres that will be turned into open water, but not required to be dried up to meet the evaporative loss associated with the pond's surface area, will be irrigated elsewhere on the property inside the proposed PPU.

The 16.0 acre-feet of physical pond storage identified in this water right permit requires a one year, first fill mitigation component. In order to mitigate for 16.0 acre-feet of the

¹ Allen, Richard G. and Clarence W. Robison, 2012. *Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho: Supplement updating the Time Series through December 2008*, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID.

supplemental first fill pond volume, $16.0 \text{ acre-feet} / 1.64 \text{ ft} = 9.8 \text{ acres}$ of a one-time, one season dry up is required. This area has been identified on an accompanying map. For aesthetic, recreation and wildlife uses, this permit seeks 18.5 acre feet of storage, 16.0 acre-feet for the physical storage, and 2.5 acre feet for evaporation.

Irrigation storage and irrigation from storage uses were calculated by multiplying the irrigated acre limit of 319.9 acres by the field headgate diversion volume of 3.5 acre-feet per acre for this area (even though 37-22067 has no volume limitation) to allow 1,120 acre-feet for each use. The irrigation and irrigation from storage volumes are intended to represent the volume of water to be diverted out of the pond for irrigation use throughout the irrigation season. The total storage under these uses and the permit is estimated at $1,120 \text{ acre-feet} + 2.5 \text{ acre-feet} = 1,122.5 \text{ acre-feet}$. Seepage and or consumptive use from seepage in the pond will not occur as the pond will be lined. Under this permit, non-irrigation season use in the pond will be non-consumptive as precipitation within the pond will exceed evaporation off of the pond and pond overflow will re-enter the Croy Creek Channel, upstream of the Bullion and Croy Creek confluence.

Water Right Permit No. 2

The second of three water right permits seeks to authorize the year round diversion from and storage of Croy Creek water for irrigation, aesthetic, wildlife and recreation uses in, and for irrigation storage and diversion from the pond described above. This permit is identical to permit no. 1 (except for source) in that it seeks the same physical storage volume (16.0 acre-feet), evaporation volume (2.5 acre-feet), irrigation storage and irrigation from storage (1120 acre-feet) for a total of 1122.5 acre-feet. The diversion to storage and flow through rates for aesthetic wildlife and recreation uses proposed under this permit is consistent with the Croy Creek diversion rate under 37-22065 which is 6.80 cfs. Pond construction will “dry up” 2.0 acres associated with 37-22065, which will more than adequately account for the consumptive use associated with evaporation under this permit as 37-22065 has historically been used where the proposed pond is to be located. Under this permit, non-irrigation season use in the pond will be non-consumptive as precipitation within the pond will exceed evaporation off of the pond and any pond overflow will re-enter the Croy Creek Channel.

Water Right Permit No. 3

The third of three water right permits seeks to authorize the year round diversion from and storage of ground water for aesthetic, wildlife and recreation uses in the pond described above. This permit is identical to permit numbers 1 and 2 (except for source) in that it seeks the same physical storage volume (16.0 acre-feet), evaporation volume (2.5 acre-feet), and similar irrigation storage and irrigation from storage (395.7 acre-feet) for a total of 398.2 acre-feet. The diversion to storage and flow through rates for aesthetic wildlife and recreation uses proposed under this permit is consistent with the ground water diversion rate under 37-7319 which is 1.09 cfs. Pond construction will “dry up” 2.0 acres associated with 37-7319, which will more than adequately account for the

consumptive use associated with evaporation under this permit as 37-7319 has historically been used where the proposed pond is to be located. Under this permit, non-irrigation season use in the pond will be non-consumptive as precipitation within the pond will exceed evaporation off of the pond and any pond overflow will enter the Croy Creek channel and seep back into the aquifer.

Water Right Transfer Application

The proposed water right transfer is intended to accomplish two objectives: the first is to create a permissible place of use around the property; the second is to change the nature of use of a portion of 37-7319, 37-22065 and 37-22067 to recreation, aesthetics and wildlife to account for the consumptive uses associated with all three permits.

Irrigation will be limited to 318.4 acres within the proposed 504.7 acre PPU after accounting for the dry up of 1.5 acres of 37-7319, 37-22065 and 37-22067 to account for evaporation from the proposed pond. The existing POD's associated with 37-7319, 37-22065 and 37-22067 will remain the same.

Under all three permits, the total area requiring to be dried up for the 2017 irrigation season only is 9.8 acres to account for the first fill of the pond. Under these same permits, the total area requiring to be permanently dried up to account for evaporative losses is the same 1.5 acres. Therefore, 0.67% ($1.5 \text{ acres} / 222 \text{ acres} = 0.67\%$ of 37-7319) of the flow rate associated with the irrigation use described under 37-7913, 0.47% ($1.5 \text{ acres} / 319.9 \text{ acres} = 0.47\%$ of 37-22065) of the flow rate associated with the irrigation use described under 37-22065 and 0.47% ($1.5 \text{ acres} / 319.9 \text{ acres} = 0.47\%$ of 37-22067) of the flow rate associated with the irrigation use described under 37-22067 are proposed to be changed to recreation, aesthetic and wildlife uses to account for the total consumptive use associated with the project.

The flow rate proposed to be changed to these uses on the transfer application under 37-7319 is $0.0067 * 1.09 \text{ cfs} = 0.01 \text{ cfs}$. $1.09 \text{ cfs} - 0.01 \text{ cfs} = 1.08 \text{ cfs}$ and $222.0 \text{ acres} - 1.5 \text{ acres} = 220.5 \text{ acres}$ will remain associated with the irrigation use under 37-7319 after the proposed water right transfer is approved. The flow rate proposed to be changed to these uses on the transfer application under 37-22065 is $0.0047 * 6.80 \text{ cfs} = 0.03 \text{ cfs}$. $6.80 \text{ cfs} - 0.03 \text{ cfs} = 6.77 \text{ cfs}$ and $319.9 \text{ acres} - 1.5 \text{ acres} = 318.4 \text{ acres}$ will remain associated with the irrigation use under 37-22065 after the proposed water right transfer is approved. The flow rate proposed to be changed to these uses on the transfer application under 37-22067 is $0.0047 * 1.94 \text{ cfs} = 0.01 \text{ cfs}$. $1.94 \text{ cfs} - 0.01 \text{ cfs} = 1.93 \text{ cfs}$ and $319.9 \text{ acres} - 1.5 \text{ acres} = 318.4 \text{ acres}$ will remain associated with the irrigation use under 37-22067 after the proposed water right transfer is approved.

Permitting the pond will not result in an expansion in consumptive use or injury to any existing water right holders. These new water right permits are therefore approvable by IDWR.



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

March 10, 2017

YARD BIRD LLC
PO BOX 41
KETCHUM, ID 83340

RE: Application For Permit No.(s): 37-23021, 37-23022, 37-23023, 37-23027

RE: Transfer No. 81331
Water Right No(s): 37-22065, 37-22067, 37-22069, 37-7319

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the **IDAHO MOUNTAIN EXPRESS** on **3/15/2017** and **3/22/2017**. 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 **April 3, 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 permit.

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: Friday, March 10, 2017 9:30 AM
To: Kevin Lakey (WD 37)
Subject: Comment Letters - Yard Bird LLC
Attachments: Comment Letter to WM37 for Yard Bird apps.docx; Transfer 81331.pdf; 37-23021.pdf; 37-23022.pdf; 37-23023.pdf; 37-23027.pdf; Yard Bird apps - explanatory narrative.pdf

Good morning Kevin,

Attached are copies of (5) applications in the name of Yard Bird LLC, within your district, which are currently being processed. I have also attached an explanatory narrative, which applies to all 5 applications.

Please review the information and provide any necessary comments within 21 days.

Thank you in advance,

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



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

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 10, 2017

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

via e-mail

RE: Application For Permit No.(s): 37-23021, 37-23022, 37-23023, 37-23027

RE: Transfer No. 81331
Water Right No(s): 37-22065, 37-22067, 37-22069, 37-7319

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 watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR'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

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 10, 2017

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

RE: Application For Permit No.(s): 37-23021, 37-23022, 37-23027

RE: Transfer No. 81331
Water Right No(s): 37-22065, 37-22067, 37-22069, 37-7319

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.

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, or you may visit our website at www.idwr.idaho.gov.

Sincerely,


Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, March 09, 2017 4:57 PM
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 March 15th & 22nd, 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

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 9, 2017

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

RE: Application For Permit No.(s): 37-23021, 37-23022, 37-23023, 37-23027

RE: Transfer No. 81331
Water Right No(s): 37-22065, 37-22067, 37-22069, 37-7319

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 April 3, 2017. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-23021

YARD BIRD LLC

PO BOX 41

KETCHUM, ID 83340

Point of Diversion NESESW S25 T02N R17E BLAINE County Source BULLION CREEK Tributary CROY CREEK

Use: AESTHETIC 01/01 to 12/31 1.93 CFS

Use: AESTHETIC STORAGE 01/01 to 12/31 24 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 1.93 CFS

Use: IRRIGATION FROM STORAGE 04/15 to 10/31 1111.6 AF

Use: IRRIGATION STORAGE 01/01 to 12/31 1111.6 AF

Use: RECREATION 01/01 to 12/31 1.93 CFS

Use: RECREATION STORAGE 01/01 to 12/31 24 AF

Use: WILDLIFE 01/01 to 12/31 1.93 CFS

Use: WILDLIFE STORAGE 01/01 to 12/31 24 AF

Total Diversion: 1.93 CFS 1111.6 AF

Date Filed: 12/2/2016

Place Of Use: AESTHETIC, RECREATION, WILDLIFE, AESTHETIC STORAGE, RECREATION STORAGE, WILDLIFE STORAGE, IRRIGATION STORAGE

T02N R17E S25 NWSW

T02N R17E S26 SESE

T02N R17E S36 NENW

Place Of Use: IRRIGATION FROM STORAGE

T02N R17E S25 SWNW NWSW SWSW SESW SE(ALL)

T02N R17E S26 SESE

T02N R17E S35 NENE SENE

T02N R17E S36 NWNE SWNE NW(ALL) NWSE

Total Acres: Limited to 317.6 acres within a 504.7 acre Permissible Place of Use

37-23022

YARD BIRD LLC

PO BOX 41

KETCHUM, ID 83340

Point of Diversion SWNENE S35 T02N R17E BLAINE County Source CROY CREEK Tributary BIG WOOD RIVER

Use: AESTHETIC 01/01 to 12/31 6.75 CFS

Use: AESTHETIC STORAGE 01/01 to 12/31 24 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 6.75 CFS

Use: IRRIGATION FROM STORAGE 04/15 to 10/31 1111.6 AF

Use: IRRIGATION STORAGE 01/01 to 12/31 1111.6 AF

Use: RECREATION 01/01 to 12/31 6.75 CFS

Use: RECREATION STORAGE 01/01 to 12/31 24 AF

Use: WILDLIFE 01/01 to 12/31 6.75 CFS

Use: WILDLIFE STORAGE 01/01 to 12/31 24 AF

Total Diversion: 6.75 CFS 1111.6 AF

Date Filed: 12/2/2016

Place Of Use: AESTHETIC, RECREATION, WILDLIFE, AESTHETIC STORAGE, RECREATION STORAGE, WILDLIFE STORAGE, IRRIGATION STORAGE

T02N R17E S25 NWSW

T02N R17E S26 SESE

T02N R17E S36 NENW

Place Of Use: IRRIGATION FROM STORAGE

T02N R17E S25 SWNW NWSW SWSW SESW SE(ALL)

T02N R17E S26 SESE

T02N R17E S35 NENE SENE

T02N R17E S36 NWNE SWNE NW(ALL) NWSE

Total Acres: Limited to 317.6 acres within a 504.7 acre Permissible Place of Use

37-23023

YARD BIRD LLC

PO BOX 41

KETCHUM, ID 83340

Point of Diversion NWNENE S35 T02N R17E BLAINE County Source GROUND WATER Tributary

Point of Diversion SWNE S35 T02N R17E BLAINE County Source GROUND WATER Tributary

Point of Diversion SWNE S35 T02N R17E BLAINE County Source GROUND WATER Tributary

Use: AESTHETIC 01/01 to 12/31 1.08 CFS

Use: AESTHETIC STORAGE 01/01 to 12/31 24 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 1.08 CFS

Use: IRRIGATION FROM STORAGE 04/15 to 10/31 391.9 AF

Use: IRRIGATION STORAGE 01/01 to 12/31 391.9 AF

Use: RECREATION 01/01 to 12/31 1.08 CFS

Use: RECREATION STORAGE 01/01 to 12/31 24 AF

Use: WILDLIFE 01/01 to 12/31 1.08 CFS

Use: WILDLIFE STORAGE 01/01 to 12/31 24 AF

Total Diversion: 1.08 CFS 391.9 AF

Date Filed: 12/2/2016

Place Of Use: AESTHETIC, RECREATION, WILDLIFE, AESTHETIC STORAGE, RECREATION STORAGE, WILDLIFE STORAGE, IRRIGATION STORAGE

T02N R17E S25 NWSW

T02N R17E S26 SESE

T02N R17E S36 NENW

Place Of Use: IRRIGATION FROM STORAGE

T02N R17E S25 SWNW NWSW SWSW SESW SE(ALL)

T02N R17E S26 SESE

T02N R17E S35 NENE SENE

T02N R17E S36 NWNE SWNE NW(ALL) NWSE

Total Acres: Limited to 317.6 acres within a 504.7 acre Permissible Place of Use

37-23027

YARD BIRD LLC

PO BOX 41

KETCHUM, ID 83340

Point of Diversion SESE S36 T02N R17E BLAINE County Source UNNAMED STREAM Tributary CROY CREEK

Use: AESTHETIC 01/01 to 12/31 0.29 CFS

Use: AESTHETIC STORAGE 01/01 to 12/31 24 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.29 CFS

Use: IRRIGATION FROM STORAGE 04/15 to 10/31 1111.6 AF

Use: IRRIGATION STORAGE 01/01 to 12/31 1111.6 AF

Use: RECREATION 01/01 to 12/31 0.29 CFS

Use: RECREATION STORAGE 01/01 to 12/31 24 AF

Use: WILDLIFE 01/01 to 12/31 0.29 CFS

Use: WILDLIFE STORAGE 01/01 to 12/31 24 AF

Total Diversion: 0.29 CFS 1111.6 AF

Date Filed: 1/30/2017

Place Of Use: AESTHETIC, RECREATION, WILDLIFE, AESTHETIC STORAGE, RECREATION STORAGE, WILDLIFE STORAGE, IRRIGATION STORAGE

T02N R17E S25 NWSW

T02N R17E S26 SESE

T02N R17E S36 NENW

Place Of Use: IRRIGATION FROM STORAGE

T02N R17E S25 SWNW NWSW SWSW SESW SE(ALL)

T02N R17E S26 SESE

T02N R17E S35 NENE SENE

T02N R17E S36 NWNE SWNE NW(ALL) NWSE

Total Acres: Limited to 317.6 acres within a 504.7 acre Permissible Place of Use

Applications for permit 37-23021, 37-23022, 37-23023, and 37-23027 propose to divert water from existing points of diversion into 3 proposed ponds with a total storage volume of 24.0 acre-feet. Additionally, the ponds will be used as irrigation regulation ponds (Irrigation Storage, Irrigation from Storage) for water rights 37-7319 (ground water), 37-22065 (Croy Creek), 37-22067 (Bullion Creek), and 37-22069, (Unnamed Stream) appurtenant to adjacent farm ground. The ponds will be located approximately 3.2 miles west and 3.6 miles south; 3.5 miles west and 3.2 miles south; and 3.6 miles west and 3.3 miles south of the intersection of Bullion Street and Main Street in Hailey. The initial fill for the ponds will be mitigated by the one-time dry-up of 14.6 acres of farm ground appurtenant to the above four water rights, while the mitigation for the evaporation from the ponds will be accomplished by an accompanying water right transfer, which will permanently dry up 2.3 acres of farm ground. The ponds will be lined with an impermeable liner to negate seepage losses.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81331**

YARD BIRD LLC, PO BOX 41, KETCHUM, ID 83340; has filed Application No. 81331 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22065, 37-22067, 37-22069, 37-7319. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes creation of a permissible place of use (PPU) for a portion of water rights 37-7319 (ground water), 37-22065 (Croy Creek), 37-22067 (Bullion Creek), and 37-22069, (Unnamed Stream) which currently irrigate 319.9 acres with a total flow rate of 10.12 cfs on ground located approximately 2.8 to 3.8 miles west and 2.9 to 4.2 miles south of the intersection of Main Street and Bullion Street in Hailey. The transfer proposes the irrigation of 317.6 acres within a proposed 504.7 acre irrigation permissible place of use with a total flow rate of 10.048 cfs. The transfer also proposes to change the nature of use for a 0.072 cfs (2.3 acre) portion of the 4 rights to account for consumptive uses associated with 3 new ponds and 4 new water right permits being sought for the ponds. The new uses will be Aesthetic, Wildlife, Recreation, Aesthetic Storage, Wildlife Storage, and Recreation Storage. Diversion to Storage will accompany the new uses, and Irrigation Storage will be added to allow for drawdown of the irrigation portion of the pond volume.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx . For additional information on new permits, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#New_Listings. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. 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 **April 3, 2017**. The protestant must also send a copy of the protest to the applicant

GARY SPACKMAN, Director
Published on March 15th & 22nd, 2017

MEMORANDUM

Date: March 3, 2017
To: Transfer 81331, Yard Bird, LLC File
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes creation of a permissible place of use (PPU) for a portion of water rights 37-7319 (ground water), 37-22065 (Croy Creek), 37-22067 (Bullion Creek), and 37-22069, (Unnamed Stream) which currently irrigate 319.9 acres with a total flow rate of 10.12 cfs on ground located approximately 2.8 to 3.8 miles west and 2.9 to 4.2 miles south of the intersection of Main Street and Bullion Street in Hailey. The transfer proposes the irrigation of 317.6 acres within a proposed 504.7 acre irrigation permissible place of use with a total flow rate of 10.048 cfs. The transfer also proposes to change the nature of use for a 0.072 cfs (2.3 acre) portion of the 4 rights to account for consumptive uses associated with 3 new ponds and 4 new water right permits being sought for the ponds. The new uses will be Aesthetic, Wildlife, Recreation, Aesthetic Storage, Wildlife Storage, and Recreation Storage. Diversion to Storage will accompany the new uses, and Irrigation Storage will be added to allow for drawdown of the irrigation portion of the pond volume.

The transfer intends to permanently dry up 2.3 acres of irrigation allowed under the 4 rights to offset the ponds' consumptive uses. The first fill of the ponds will be offset by the cessation of irrigation of 14.6 acres allowed by the 4 rights during the 2017 irrigation season.

The transfer will be subject to public notice and comments will be sought from the Watermaster of Water District 37.

- **Authority to File:**

The Department's database indicates that water rights 37-7319, 37-22065, 37-22067, and 37-22069 are owned by the applicant, Yard Bird, LLC. Application was signed by Preston J. Ziegler, manager of the LLC (Secretary of State Annual Report form is attached to file). Tax lot data shows Yard Bird, LLC to be the owner of the property which is the subject of the transfer, with the exception of the property in the NWSW and SWNW of Section 25, T02N, R17E. This property is owned by Preston and Janet Ziegler, who signed a water sharing agreement with Yard Bird, LLC, which is included in the file.

- **Water Right Validity:**

The 4 water rights were decreed in 2010. That, and aerial imagery indicate that forfeiture may not be an issue.

- **Injury to Other Water Rights:**

None anticipated or foreseen. Change to POU will not increase irrigated acres. The changes in uses proposed in the transfer are not likely to increase overall use due to drying up of 2.3 acres of irrigated ground.

- **Enlargement of Use:**

None anticipated. The transfer appears to offset new uses by decreasing the irrigation use.

- **Local Public Interest:**

No issues anticipated. The transfer will be advertised.

- **Beneficial Use/Conservation of Water Resources:**

Proposed uses are recognized as beneficial uses of water.

- **Effect on the Economy of the Local Area:**

None Anticipated

- **Effect of the Agricultural Base of the Area:**
None Anticipated

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

FEE MEMORANDUM

Date: February 21, 2017

To: Yard Bird Applications for Permit 37-23021, 37-23022, 37-23023, 37-23027 and Application for Transfer 81331 Files

From: Jim Bitzenburg

Re: Receipting/disposition of fees paid

Application for Transfer #81331, Filed 12/2/2016

This transfer proposes to create an irrigation PPU and change the nature of use of a portion of 4 irrigation water rights to mitigate for evaporative losses associated with 3 ponds which are the focus of the associated applications for permit. The total irrigation portion being changed is 38.4 acres out of the original 474 acre PPU. This ratio is multiplied by the remaining irrigation portion of the 4 rights ($1.08 + 6.75 + 1.93 + 0.288 = 10.048$ cfs), which equates to 0.81 cfs being changed on the irrigation portion. The portion of the rights being changed to other uses is 0.072 cfs ($0.05 + 0.01 + 0.01 + 0.002$). These two amounts total 0.882 cfs and from the fee schedule the transfer fee would be \$500.00 plus the change in nature of use fee of \$250.00 for a total of \$750.00. The amount paid with the application was \$1220.00 from Brockway Engineering (check #13698, receipt S035832 on 12/2/2016). Brockway Engineering submitted another check on 1/23/2017 (#13805, receipt #S035895) for \$250.00 to cover the change in nature of use fee. In total, Brockway Engineering submitted \$1470.00 in transfer fees, for an overpayment of \$720.00.

Application for Permit 37-23021, Filed 12/2/2016

This application proposes diversion of 1.93 cfs into 3 ponds (24.0 acre-feet) so the fee from the fee schedule is \$290.00, which is the greater of the flow rate or the storage volume fee. Brockway Engineering paid \$290.00 with check #13698, receipt #S035832 on 12/2/2016.

Application for Permit 37-23022, Filed 12/2/2016

This application for permit proposes diversion of 6.75 cfs into 3 ponds (24.0 AF) so the fee from the fee schedule is \$490.00, the greater of the flow rate or the storage volume fee. Brockway Engineering paid \$490.00 with check #13698, receipt #S035832 on 12/2/2016.

Application for Permit 37-23023, Filed 12/2/2016

This application for permit proposes diversion of 1.08 cfs into 3 ponds (24.0 AF) so the fee from the fee schedule is \$290.00, the greater of the flow rate or the storage volume fee. Brockway Engineering paid \$290.00 with check #13698, receipt #S035832 on 12/2/2016.

Application for Permit 37-23027, Filed 1/20/2017

This application for permit was filed later and proposes to divert 0.288 cfs into 3 ponds (24.0 AF) so the fee from the fee schedule is \$250.00, and is the same for either the flow rate or the storage volume. IDWR will apply this fee to the excess transfer fees paid, which will leave an overpayment balance of \$470.00, causing IDWR to initiate a refund to Brockway Engineering in the amount of \$470.00.

Bitzenburg, James

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Tuesday, February 21, 2017 2:18 PM
To: Bitzenburg, James
Subject: RE: Yard Bird Applications for Permit; Application for transfer
Attachments: Yard Bird LLC Permits 2017 Irrigation From Storage supplement-POD-POU 2-21-17.pdf

Jim-

Attached is the supplemental amendment which is intended to describe the POU for the Irrigation from Storage uses on water right permits 37-23021, 37-23022, 37-23023 and 37-23027. Please let me know if you have any comments or questions, thanks.

Zach Latham

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

zach.latham@brockwayeng.com

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

From: Zach Latham [mailto:zach.latham@brockwayeng.com]
Sent: Tuesday, February 21, 2017 10:55 AM
To: 'Bitzenburg, James'
Subject: RE: Yard Bird Applications for Permit; Application for transfer

Jim-

Thanks for the email. The irrigation from storage will have the same place of use as the irrigation POU. Since IDWR has not symbol for "irrigation from storage", I didn't include a supplemental POU description for this use. If you still need a supplement, I can draft one, but it's the same place of use for irrigation from storage as the irrigation use. Please let me know.

Yes, on the transfer, page 3, Part B, question #4, WRJ uses should also be listed in T.02N R.17E SEC. 25 NWSW, T.02N R.17E SEC. 26 SESE. Please let me know if you need an amended transfer page, or if this email will suffice.

Thanks for the update on the fees and processing. Please let me know if you need anything else to move forward to advertising, as we want to get these applications advertised as soon as possible, thanks again Jim.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
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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: Bitzenburg, James [mailto:James.Bitzenburg@idwr.idaho.gov]
Sent: Friday, February 17, 2017 2:04 PM

To: Zach Latham

Subject: Yard Bird Applications for Permit; Application for transfer

Zach-

In doing the revised data entry for the Yard Bird Applications for Permit, I noticed that the 'Irrigation from Storage' component doesn't have a Place of Use listed on the applications. I'm guessing that it is the same POU as the transfer, but could you send me an amendment attachment for each application, listing the POU land list for irrigation from storage?

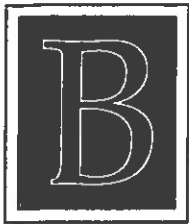
On the transfer application for Yard Bird, we'll need to add the locations of the two additional ponds to the POU list on page 3, Part B, #4, with the relevant uses. The original pond is there, but not the two we added later. Those legals are 02N, 17E, Sect. 26, SESE and 02N, 17E, Sect. 25, NWSW, correct?

I have made a preliminary calculation of the fees, and it appears that you have paid more than enough, so, if my calculations are correct (I'll run them by Corey) we will owe you a refund of \$470.00. I believe everything else is in order, and I'll continue processing. Not sure if they can go to advertising next week, or if it'll be 2 weeks after that.

Let me know if you have any questions or concerns. Thanks.

Jim

Jim Bitzenburg
Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-736-3033
Fax (208)-736-3037
james.bitzenburg@idwr.idaho.gov



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

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

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JAN 30 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

January 25th, 2017

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

RE: Amended Yard Bird LLC Water Right Permit (3) and Transfer (1)
Applications, New Permit Application (1).

Dear Jim,

Enclosed are three amended water right permits, one additional water right permit, one amended water right transfer application and an amended narrative in support of the applications, filed in the name of Yard Bird LLC. These applications are meant to supersede the previous two submittals dated 11/29/16 and 12/16/16. The LLC has decided to add two new ponds to the permit applications and a water right associated with the property (37-22069) was inadvertently left out of the transfer and is now being included. Recent correspondence with Corey Skinner and yourself necessitated changes to the two previous filings. A new water right filing has been included to allow 37-22069 to be stored in the proposed ponds. The attached amended narrative summarizes the proposed amendments.

With these changes, it's my understanding that processing and advertisement of these applications can occur. I have purposely not submitted any fees associated with the amended applications and new permit as we likely overpaid on our original submittal on 11/29/16 per a telephone call with you last week. Please copy our office on all correspondence regarding the enclosed permit and water right transfer applications. Thanks for your time and assistance on this matter.

Regards,



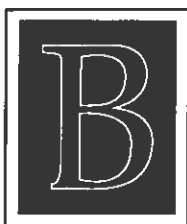
Zach Latham, M.S., Hydrologist.

Enclosures:

- (1) Water Right Permit: Amended Bullion Creek Permit,
Supplemental Season/Purpose of Use Attachment and Map.
- (1) Water Right Permit: Amended Croy Creek Permit,
Supplemental Season/Purpose of Use Attachment and Map.

- (1) Water Right Permit: Amended Ground Water Permit, Supplemental Season/Purpose of Use Attachment and Map.
- (1) Water Right Permit: New Unnamed Stream Permit, Supplemental Season/Purpose of Use Attachment and Map.
- (1) Amended Transfer of Water Right Application, Description of Rights Supplement, POD Supplement, Part 2A's, Map and Amended Narrative.

Cc: Yard Bird LLC c/o: Preston Ziegler



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DEC 16 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

December 16th, 2016

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

RE: Amended Yard Bird LLC Water Right Permit (3) and Transfer (1)
Applications.

Dear Jim,

Enclosed are three amended water right permits, one amended water right transfer application and an amended narrative in support of the applications, filed in the name of Yard Bird LLC. During recent email and telephone conversations, IDWR (Corey Skinner and you) has requested changes to the applications submitted on 12/2/16. Those changes are reflected in the attached applications, which are intended to supersede the original filings received by IDWR on 12/2/16. With these changes, it's my understanding that processing and advertisement of these applications can occur.

Please copy our office on all correspondence regarding the enclosed permit and water right transfer applications. Thanks for your time and assistance on this matter.

Regards,

Shile Daniel on behalf of
Zach Latham, M.S., Hydrologist.

Enclosures:

- (1) Water Right Permit: Amended Bullion Creek with Supplemental Season/Purpose of Use Attachment.
- (1) Water Right Permit: Amended Croy Creek and Supplemental Season/Purpose of Use Attachment.
- (1) Water Right Permit: Amended Ground Water and Supplemental Season/Purpose of Use Attachment.
- (1) Amended Transfer of Water Right Application, Description of Rights Supplement and Amended Narrative.

Cc: Yard Bird LLC c/o: Preston Ziegler

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

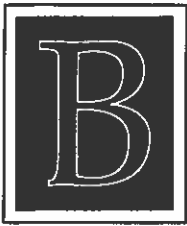
CHARLES G.
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DEC 02 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

November 29th, 2016

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

RE: (3) Applications for Permit, (1) Application for Transfer of a Water Right.

Dear Corey,

Enclosed are three water right permits and one water right transfer application filed in the name of Yard Bird LLC. The intent of the permits is to allow water from Bullion Creek, Croy Creek and ground water to be stored in a proposed 2.0 acre pond for irrigation, aesthetic, wildlife and recreation uses. The pond is proposed to be located on the Yard Bird LLC property west of Hailey, ID. The points of diversion on the permits correspond with existing points of diversion authorized under Yard Bird LLC water rights 37-7319, 37-22065 and 37-22067. Additionally, a water right transfer application has been included involving these same rights which intends to allow for evaporation from and flow through the pond, and to create a permissible place of use around the property. Please see the attached narrative for a detailed explanation of the applications.

Costs associated with filing the Bullion Creek permit application (\$690), the Croy Creek permit application (\$690), the ground water permit application (\$370) and the water right transfer application (\$1,220) are included in the attached check for \$2,970 from Brockway Engineering.

Please copy our office on all correspondence regarding the enclosed permit and water right transfer applications. Don't hesitate to give me a call should you have any further questions or comments. Thanks for your time and assistance on this matter.

Regards,

Shirley Daniels on behalf of
Zach Latham, M.S., Hydrologist.

Enclosures:

(1) Water Right Permit: Bullion Creek with Map and Supplemental Season/Purpose of Use Attachment.

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

CHARLES G.
BROCKWAY,
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- (1) Water Right Permit: Croy Creek with Map and Supplemental Season/Purpose of Use Attachment.
- (1) Water Right Permit: Ground Water with Map and Supplemental Season/Purpose of Use Attachment.
- (1) Transfer of Water Right Application with Map, Description of Rights Supplement and Narrative.
- (1) Brockway Engineering Check # 13698.

Cc: Yard Bird LLC c/o: Preston Ziegler