

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 81412

JAN 27 2017

DEPT OF WATER RESOURCES
SOUTHERN REGIONMINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Stanley Basin Well Owners Association, Inc.Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

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

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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JAN 27 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Stanley Basin Well Owners Association, Inc. Phone 208-622-4100
Mailing address c/o Jed Gray, PO Box 326, Sun Valley, Idaho, 83353 Email jed@svassociates.com

- ☐ 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 James P. Speck, Speck & Aanestad Phone 208-726-4421
Mailing address PO Box 987, Ketchum, Idaho, 83340 Email jim@speckandaanestad.com

- ☐ 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

James E. Gray, President
Print Name and Title if applicable

1/18/17
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. 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. 44 Per 2-1-17 Email from Jim Speck
Current place of use is Lots 20-24, Stanley Basin Cabin Sites #1 Subdivision. New place of use will be limited to Lots 20-31, Stanley Basin Cabin Sites #1 Subdivision.

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 ☒ ☐	71-7095	0.05cfs/1AFA	domestic	Jan. 1 to Dec. 31	ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.05 cfs and/or 1.0 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.05 cubic feet per second and/or 1.0 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 #

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	
10N	13E	36					D												
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

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

Existing well, pump, buried mainlines

- b. Who owns the property at the point(s) of diversion? Alex & Patricia Higgins

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

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? No.

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:
N/A

- 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:

Permit 71-10958 provides domestic and irrigation water for new place of use. Permit 71-10959, owned by Balsam Well Owners Association, Inc., provides domestic and irrigation water for the lands to be removed from the current place of use.

- 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:

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

Current Water Right No.: 71-7095

Current Owner: STANLEY BASIN WELL OWNERS ASSOCIATION INC

Priority Date: 12/8/1983

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>
DOMESTIC	1/01 to 12/31	0.05 CFS	1 AF
	<u>Total Diversion</u>	0.05 CFS	1 AF

Location of Point(s) of Diversion

GROUND WATER L2(NW1/4NE1/4NW1/4) Sec. 36, Twp 10N, Rge 13E B.M.
CUSTER County

Place of Use

DOMESTIC Within CUSTER County

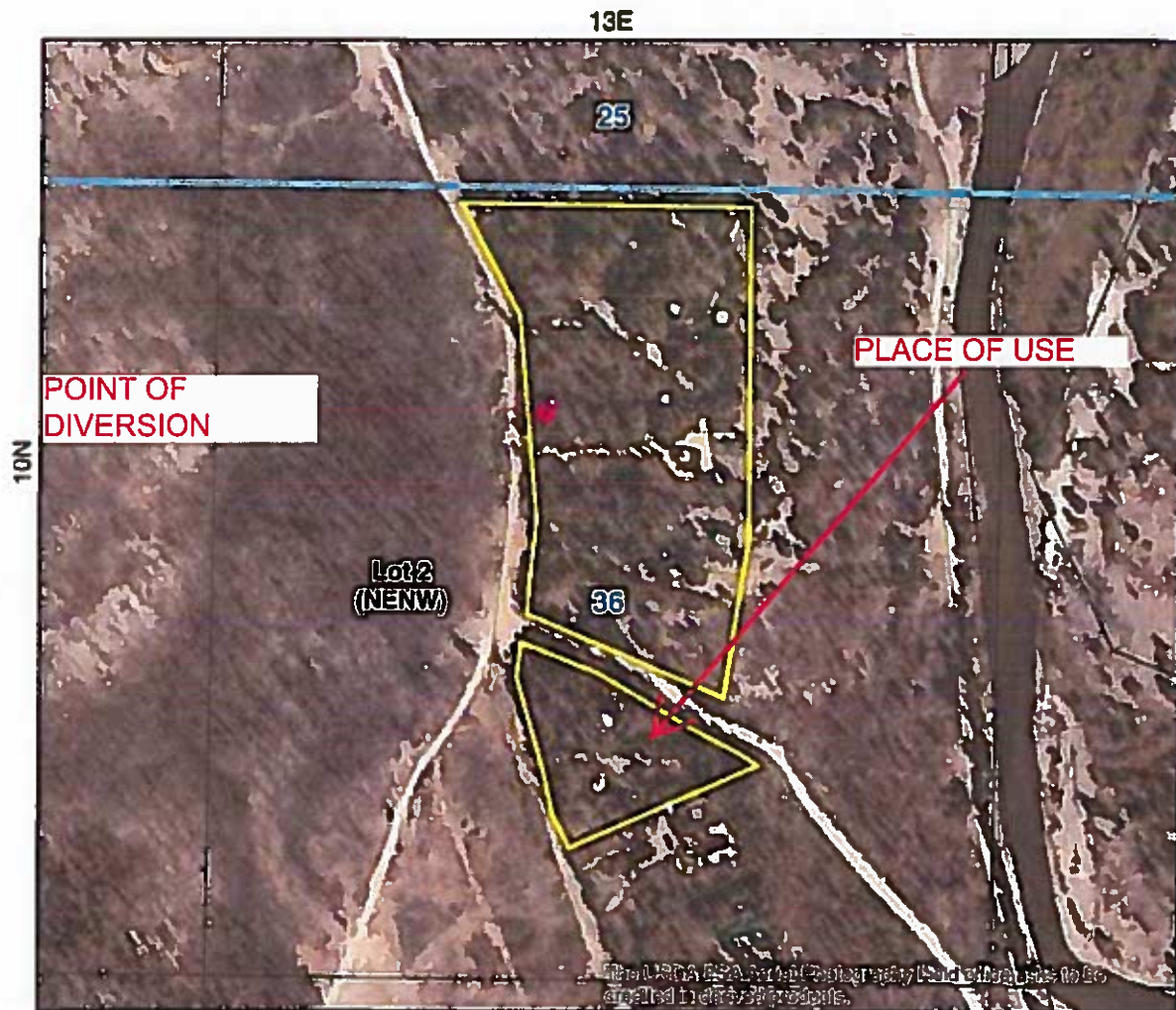
T10N R13E S36 Lot 2 NENW T10N R13E S36 Lot 3 SENW

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. PROPERTY IS ALSO KNOWN AS LOTS 20 THRU 44 OF STANLEY BASIN CABIN SITES NO 1 SUBDIVISION. THE POINT OF DIVERSION IS LOCATED ON LOT 24.
3. C16 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: 3/16/1999

STANLEY BASIN WELL OWNERS ASSOCIATION, INC.
APPLICATION FOR TRANSFER FOR WATER RIGHT 71-7095
ATTACHMENT 7A

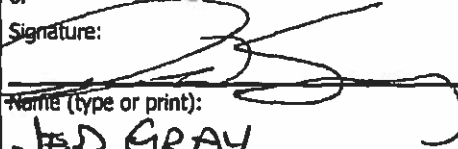


- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Taxlots

0 0.035 0.07 0.14 Miles



TRANSFER 81412

No. C 53454	Due no later than May 31, 2016 Annual Report Form		2. Registered Agent and Office (NOT A P.O. BOX)																																			
Return to: SECRETARY OF STATE 450 N 4th STREET PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. STANLEY BASIN WELL OWNERS ASSOCIATION, INC. ~~C/O REX LEFORSEE~~ <i>40 JED GRAY</i> ~~PO BOX 5495~~ <i>P.O. Box 2700</i> ~~TWIN FALLS ID 83303-5495~~ <i>Sun Valley,</i> <i>ID. 83353</i>	~~REX LEFORSEE~~ <i>JED GRAY</i> ~~255 E 3rd AVE~~ ~~TWIN FALLS ID 83301~~ <i>700 Sun Valley Rd.</i> <i>Ketchum, Id. 83340</i> 3. New Registered Agent Signature: 																																				
4. Corporations: Enter Names and Business Addresses of President, Secretary, Directors, Treasurer, Vice Pres. <table border="1"> <thead> <tr> <th>Office Held</th> <th>Name</th> <th>Street or PO Address</th> <th>City</th> <th>State</th> <th>Country</th> <th>Postal Code</th> </tr> </thead> <tbody> <tr> <td>PRESIDENT</td> <td>Jed Gray</td> <td>PO Box 2700</td> <td>Sun Valley</td> <td>Id.</td> <td>USA</td> <td>83353</td> </tr> <tr> <td>VICE-PRESIDENT</td> <td>Ted Lewis</td> <td>2529 N. Betula Ave.</td> <td>Meridian</td> <td>Id.</td> <td></td> <td>83646</td> </tr> <tr> <td>TREASURER</td> <td>Linda Chambers</td> <td>PO Box 3423</td> <td>Hailey</td> <td>Id.</td> <td>USA</td> <td>83333</td> </tr> <tr> <td>SECRETARY</td> <td>Linda Woodcock</td> <td>PO Box 2142</td> <td>Ketchum</td> <td>Id.</td> <td>USA</td> <td>83340</td> </tr> </tbody> </table>				Office Held	Name	Street or PO Address	City	State	Country	Postal Code	PRESIDENT	Jed Gray	PO Box 2700	Sun Valley	Id.	USA	83353	VICE-PRESIDENT	Ted Lewis	2529 N. Betula Ave.	Meridian	Id.		83646	TREASURER	Linda Chambers	PO Box 3423	Hailey	Id.	USA	83333	SECRETARY	Linda Woodcock	PO Box 2142	Ketchum	Id.	USA	83340
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SECRETARY	Linda Woodcock	PO Box 2142	Ketchum	Id.	USA	83340																																
5. Organized Under the Laws of: IDAHO C 53454	6. Signature:  Name (type or print): <i>JED GRAY</i> Date: <i>4/1/2016</i> Title: <i>PRESIDENT</i>																																					

Issued 04/01/2016 by online

132094



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

February 10, 2017

STANLEY BASIN WELL OWNERS ASSOCIATION INC
C/O JED GRAY
PO BOX 326
SUN VALLEY, ID 83353

RE: Transfer No. 81412
Water Right No(s). 71-7095

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the **CHALLIS MESSENGER** on **2/16/2017** and **2/23/2017**. 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 **March 6, 2017**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

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

Sincerely,

Denise Maline
Administrative Assistant

cc:

JAMES P SPECK, ATTORNEY

Maline, Denise

From: Maline, Denise
Sent: Friday, February 10, 2017 11:29 AM
To: Cindy Yenter
Subject: Comment Letter for transfer 81412 - Stanley Basin Well Owners Assn.
Attachments: Transfer 81412.pdf

Hi Cindy,

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

Thank you. Hope you are staying dry!

Denise



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 10, 2017

CINDY YENTER
WATER DISTRICT #170
102 S WARPATH
SALMON, ID 83467

via e-mail

RE: Transfer No. 81412
Water Right No. 71-7095

Dear Cindy:

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)

Maline, Denise

From: Maline, Denise
Sent: Friday, February 10, 2017 11:31 AM
To: Morgan Miller (WD 71)
Subject: Comment Letter for transfer 81412, Stanley Basin Well Owners Assn.
Attachments: Comment Letter to WM71 for 81412.docx; Transfer 81412.pdf

Morgan,

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

Thank you in advance,

Denise @ IDWR

*Denise Maline
Administrative Assistant I
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov*



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 10, 2017

WATER DISTRICT #71
MORGAN MILLER
3594 HOTSPRINGS RD
CHALLIS, ID 83226

via e-mail

RE: Transfer No. 81412
Water Right No(s). 71-7095

Dear Morgan:

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)

Maline, Denise

From: Maline, Denise
Sent: Thursday, February 09, 2017 5:26 PM
To: Challis Messenger
Subject: LEGAL NOTICE
Attachments: Challis Messenger Cover Letter.docx; Challis Messenger Ad.doc

Attached please find (1) legal notice being submitted for publication on February 16th & 23rd, 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

February 9, 2017

LEGAL NOTICE DEPARTMENT
CHALLIS MESSENGER
PO BOX 405
CHALLIS, ID 83226

RE: Transfer No. 81412
Water Right No(s): 71-7095

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 March 6, 2017. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81412**

STANLEY BASIN WELL OWNERS ASSOCIATION INC, C/O JED GRAY, PO BOX 326, SUN VALLEY, ID 83353; has filed Application No. 81412 for changes to the following water rights within CUSTER County(s): Right No(s). 71-7095; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: This application proposes to change the place of use (POU) for ground water right 71-7095 (domestic, 0.05 cfs, 1.0 AF) which is currently appurtenant to lots 20 thru 44 of the Stanley Basin Cabin Sites #1 Subdivision, located approximately 4.0 miles south and 2.0 miles east of the intersection of State Highways 21 and 75 in Stanley. The place of use after the proposed transfer will be reduced to lots 20 thru 31 of the subdivision.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before **March 6, 2017**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on February 16th, & 23rd, 2017



State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 2, 2017

BALSAM WELL OWNERS ASSN
C/O PETER MADSEN
PO BOX 334
HAILEY ID 83333

BRIAN OLMSTEAD/OLMSTEAD FAMILY LIVING TRUST
3128 E 3500 N
TWIN FALLS ID 83301

MARILYN BROEK
3171 E 3500 N
TWIN FALLS ID 83301

MAX BROEK
3171 E 3500 N
TWIN FALLS ID 83301

RE: Application for Transfer, #81412, Stanley Basin Well Owner's Association, Inc.

Dear Potentially Interested Party:

On January 27, 2017 our office received an Application for Transfer filed by Stanley Basin Well Owner's Association, Inc., proposing a change in the place of use (POU) for water right 71-7095 (domestic, 0.05 cfs) which is currently appurtenant to Lots 20-44 of the Stanley Basin Cabin Sites #1 Subdivision south of Stanley. The transfer proposes to reduce the POU from lots 20-44 to lots 20-31. Lots 20-31 are also covered by permit 71-10958 in the name of Stanley Basin Well Owner's Association Inc. (irrigation and domestic, 0.28 cfs, 6.0 acres), which was approved last November.

Permit 71-10959 (irrigation and domestic, 0.25 cfs, 5.0 acres) was approved at the same time in the name of Balsam Well Owner's Association, Inc., and it is appurtenant to lots 32-41. As a result of the two permits approved last November and this recently filed transfer, it appears that lots 42-44 will no longer have valid water rights. Our computer database indicates that those three lots are owned by Max Broek, Marilyn Broek, and Brian Olmstead/Olmstead Family Living Trust.

A copy of Application for Transfer #81412 is enclosed. Please review the application, and submit any comments or concerns, in writing, within 21 days of the date of this letter.

Transfer application #81412 will soon be advertised and subject to public review. Our office can finish reviewing an unprotested application as soon as the protest period has passed. Your prompt response to this request will ensure that your concerns can be considered. If the Idaho Department of Water Resources (IDWR) has not received your written concerns 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,

A handwritten signature in black ink, appearing to read "Jim Bitzenburg", written over a faint rectangular stamp.

Jim Bitzenburg
Water Resource Agent

Enclosure

Cc: Jim Speck- (w/o enclosure)

Stanley Basin Well Owner's Association, Inc.- (w/o enclosure)

Bitzenburg, James

From: James Speck <jim@speckandaanestad.com>
Sent: Thursday, February 02, 2017 9:36 AM
To: Bitzenburg, James
Cc: Jed Gray
Subject: RE: Stanley Basin Well Owner's Assn. application for transfer #81412

Certainly.

From: Bitzenburg, James [mailto:James.Bitzenburg@idwr.idaho.gov]
Sent: Thursday, February 2, 2017 9:36 AM
To: James Speck
Subject: RE: Stanley Basin Well Owner's Assn. application for transfer #81412

Jim-

No problem. I will correct it on the application, if that is okay with you.

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

From: James Speck [mailto:jim@speckandaanestad.com]
Sent: Thursday, February 02, 2017 9:32 AM
To: Bitzenburg, James <James.Bitzenburg@idwr.idaho.gov>
Cc: Jed Gray <jed@svassociates.com>
Subject: RE: Stanley Basin Well Owner's Assn. application for transfer #81412

Jim,

That's definitely a typo – thanks for catching it.

Jim

From: Bitzenburg, James [mailto:James.Bitzenburg@idwr.idaho.gov]
Sent: Thursday, February 2, 2017 9:28 AM
To: James Speck
Cc: Jed Gray
Subject: Stanley Basin Well Owner's Assn. application for transfer #81412

Jim-

I am processing the above transfer, and everything appears to be in order, except on page 2, Part A, Purpose of Transfer under the description of the transfer in narrative form. It describes the current place of use as lots 20-34. The

conditions on the water right report for 71-7095 describe the POU as lots 20-44. Other than that, everything looks good, and it will be submitted to Denise Maline for advertising by next Wednesday's advertising deadline.

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

MEMORANDUM

Date: January 30, 2017
To: Transfer 81412, Stanley Basin Well Owner's Association, Inc. file
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

This application proposes to change the place of use (POU) for ground water right 71-7095 (domestic, 0.05 cfs, 1.0 AF) which is currently appurtenant to lots 20-44 of the Stanley Basin Cabin Sites #1 Subdivision, located approximately 4.0 miles south and 2.0 miles east of the intersection of State Highways 21 and 75 in Stanley. The place of use after the proposed transfer will be reduced to lots 20-31 of the subdivision.

Lots 32-41 will no longer be covered by this water right, but will be served by permit 71-10959, which will supply domestic and irrigation water. Right 71-7095 will be combined with permit 71-10958, which supplies additional domestic and irrigation water to lots 20-31. Lots 42-44 will no longer be covered by right 71-7095, and are not within the POU of permits 71-10958 or 71-10959.

Comment will be sought from the Watermasters of Water Districts 170 and 71.

- **Authority to File:**
The Department's database indicates that water right 71-7095 is owned by the applicant, Stanley Basin Well Owner's Association. The application was signed by James E. Gray, President of the Well Owner's Association (see attached Secretary of State Annual Report Form). Please note that the SOS Annual Report Form lists Jed Gray as the President, while the application is signed by James Gray. Attached 2015 emails from Jim Speck indicate that they are the same person. Attached Restated Articles of Incorporation document from the SOS office gives additional clarification.
- **Water Right Validity:**
Right 71-7095 was decreed in March of 1999. Most of the lots involved appear to have domestic development, so forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:**
None anticipated or foreseen.
- **Enlargement of Use:**
None anticipated. The place of use is being reduced.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated
- **Effect of the Agricultural Base of the Area:**
None Anticipated

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

FEE MEMORANDUM

Date: January 30, 2017
To: Stanley Basin Well Owner's Assn., transfer #81412 file
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

This transfer proposes to change the place of use for a single water right, 71-7095 (domestic, 0.05 cfs, 1.0 AF). Since the flow rate and volume are very small, the minimum transfer fee should apply, which is \$200.00. The correct fee was paid with check #40497 from Speck and Aanstead on 1/27/2017, receipt #S035904.

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

January 25, 2017

RECEIVED

JAN 27 2017

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

Re: Stanley Basin Well Owners Association, Inc. - Application for Transfer of Water Right 71-7095

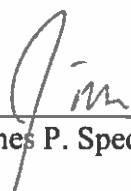
Dear Corey:

I represent Stanley Basin Well Owners Association, Inc. Enclosed you will find the original and one copy of the above-referenced Application for Transfer of Water Right to be filed with you together with my firm's check payable to the Department for the \$200 filing fee. Please receipt date-stamp the copy and return it to me in the postage prepaid self-addressed envelope included for that purpose. Let me know right away if you have any questions or comments about this Application. ✓pm

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

Enclosures
cc: Client w/encl.