

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 24 2016

## APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s)      ☒ Add diversion point(s)      ☐ Ownership change      ☐ Ownership split

1. APPLICANT(S) Wood River Properties, Inc. Phone (714) 979-8300  
 2. MAILING ADDRESS P.O. Box 7250 City Newport Beach  
 State CA Zip 92658 Email \_\_\_\_\_

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.  
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.  
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.  
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☒ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 37-7847A

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, Water Right Transfers, Step 1, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 0.14 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.  
 (diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, Water Right Transfers, Online Resources.

| New? | Lot | ¼ | ¼  | ¼  | Sec | Twp | Rge | County | Source         | Local name or tag # |
|------|-----|---|----|----|-----|-----|-----|--------|----------------|---------------------|
|      | 3   |   | NE | NW | 5   | 3N  | 18E | Blaine | Groundwater    | Existing well       |
|      | 3   |   | NE | NW | 5   | 3N  | 18E | Blaine | Groundwater    | Existing well       |
|      | 4   |   | NW | NW | 5   | 3N  | 18E | Blaine | Groundwater    | New well            |
|      | 4   |   | NW | NW | 5   | 3N  | 18E | Blaine | Groundwater    | New well            |
|      | 3   |   | NE | NW | 5   | 03N | 18E | Blaine | Unnamed Stream |                     |
|      |     |   |    |    |     |     |     |        |                |                     |
|      |     |   |    |    |     |     |     |        |                |                     |
|      |     |   |    |    |     |     |     |        |                |                     |
|      |     |   |    |    |     |     |     |        |                |                     |
|      |     |   |    |    |     |     |     |        |                |                     |

6. GENERAL INFORMATION

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

Well and submersible pumps to pond, boost from pond to pressurized irrigation system. Measuring devices and lockable valves could be placed on discharge pipe downstream of pitless adapters.

- b. Who owns the property at the point(s) of diversion? Applicant

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

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

Yes No

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

If yes, describe:

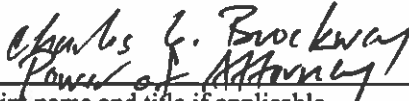
- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

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

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and  $\frac{1}{4}$   $\frac{1}{4}$  of section information. The Map Tool, available at [maps.idwr.idaho.gov/TransferApplicationLayouts/](http://maps.idwr.idaho.gov/TransferApplicationLayouts/) provides a satisfactory template for creating the required map.

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

  
Signature of applicant or authorized agent

  
Print name and title if applicable

8/22/2016  
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. FEE - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at [www.idwr.idaho.gov](http://www.idwr.idaho.gov), Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes \_\_\_\_\_ pages of attachments.

Received by TF / DM

Date 8-24-2016

Fee paid \$250- Date 8-24-2016

Received by DM

Receipt # S035692

Preliminary review by \_\_\_\_\_

Date \_\_\_\_\_

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 \_\_\_\_\_

W-9 forwarded to fiscal? Yes ☐ No ☐

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

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

**Current Water Right No.:** 37-7847A

**Current Owner:** WOOD RIVER PROPERTIES INC  
HARRY S RINKER

**Priority Date:** 8/16/1980

**Origin:** Water Right

**Status:** Active

**Basis:** License

**Source**

GROUND WATER  
UNNAMED STREAM

**Tributary**

BIG WOOD RIVER

| <b><u>Beneficial Use</u></b>  | <b><u>From To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Annual Volume</u></b> |
|-------------------------------|-----------------------|------------------------------|-----------------------------|
| IRRIGATION STORAGE            | 1/01 to 12/31         |                              | 15 AF                       |
| DIVERSION TO STORAGE          | 4/15 to 10/15         | 0.11 CFS                     |                             |
| DOMESTIC                      | 1/01 to 12/31         | 0.04 CFS                     | 0.6 AF                      |
| FIRE PROTECTION               | 1/01 to 12/31         | 0.318 CFS                    |                             |
| FIRE PROTECTION STORAGE       | 1/01 to 12/31         |                              | 15 AF                       |
| IRRIGATION                    | 4/15 to 10/15         | 0.238 CFS                    | 38.5 AF                     |
| IRRIGATION FROM STORAGE       | 4/15 to 10/15         |                              | 15 AF                       |
| <b><u>Total Diversion</u></b> |                       | 0.318 CFS                    | 54.1 AF                     |

**Location of Point(s) of Diversion**

|                |                |         |          |              |
|----------------|----------------|---------|----------|--------------|
| UNNAMED STREAM | L3(NE1/4NW1/4) | Sec. 5, | Twp 03N, | Rge 18E B.M. |
| BLAINE County  |                |         |          |              |
| GROUND WATER   | L3(NE1/4NW1/4) | Sec. 5, | Twp 03N, | Rge 18E B.M. |
| BLAINE County  |                |         |          |              |
| GROUND WATER   | L3(NE1/4NW1/4) | Sec. 5, | Twp 03N, | Rge 18E B.M. |
| BLAINE County  |                |         |          |              |

**Place of Use**

Page 4 of \_\_\_\_\_

IRRIGATION STORAGE Within BLAINE County

|              |       |      |              |       |      |
|--------------|-------|------|--------------|-------|------|
| T03N R18E S5 | Lot 3 | NENW | T03N R18E S5 | Lot 4 | NWNW |
|--------------|-------|------|--------------|-------|------|

DOMESTIC Within BLAINE County

|              |       |      |
|--------------|-------|------|
| T03N R18E S5 | Lot 3 | NENW |
|--------------|-------|------|

FIRE PROTECTION Within BLAINE County

|              |       |      |              |       |      |
|--------------|-------|------|--------------|-------|------|
| T03N R18E S5 | Lot 3 | NENW | T03N R18E S5 | Lot 4 | NWNW |
| T03N R18E S5 |       | SWNW |              |       |      |

FIRE PROTECTION STORAGE Within BLAINE County

|              |       |      |              |       |      |
|--------------|-------|------|--------------|-------|------|
| T03N R18E S5 | Lot 3 | NENW | T03N R18E S5 | Lot 4 | NWNW |
|--------------|-------|------|--------------|-------|------|

IRRIGATION Within BLAINE County

|                 |       |      |      |              |       |      |      |
|-----------------|-------|------|------|--------------|-------|------|------|
| T03N R18E S5    | Lot 3 | NENW | 5.40 | T03N R18E S5 | Lot 4 | NWNW | 5.60 |
| Total Acres: 11 |       |      |      |              |       |      |      |

IRRIGATION FROM STORAGE Within BLAINE County

|                 |       |      |      |              |       |      |      |
|-----------------|-------|------|------|--------------|-------|------|------|
| T03N R18E S5    | Lot 3 | NENW | 5.40 | T03N R18E S5 | Lot 4 | NWNW | 5.60 |
| Total Acres: 11 |       |      |      |              |       |      |      |

Place of Use: DIVERSION TO STORAGE same as IRRIGATION STORAGE

Conditions of Approval:

1. The impoundment of water from the unnamed stream under this right is to be administered as on-stream storage. When water is not available for storage under the priority of this right, flow from the reservoir must equal inflow to the reservoir minus the flow of water being recirculated from the reservoir into the unnamed stream for aesthetic purposes.
2. X35 Rights 37-07847 and 37-08275 when combined shall not exceed a storage capacity of 15.5 af.
3. The diversion to storage rate is for groundwater only. It is not necessary to describe a diversion to storage component for the surface water stored under this right.
4. 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.
5. Storage water shall not be diverted for fire protection use under this right except to fight or repel an existing fire, but in the case of an existing fire, water can be diverted from storage in a quantity as needed to extinguish the fire.
6. WB5 Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
7. 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.
8. X60 Place of use is located within Lots 5-8 of the Gimlet Terrace Subdivision.
9. Diversion rate of 0.318 cfs represents the summation of the irrigation well diversion rate (0.098 cfs), domestic well diversion rate (0.04 cfs), and the diversion rate from the unnamed stream (0.18 cfs).
10. Aesthetic storage is for a pond and includes the diversion of water from the pond for re-circulation through the aesthetic channel and back into the pond.
11. Rights 37-07847 and 37-08275 when combined shall not exceed a storage capacity of 15.5 af.
12. Points of diversion are located within Lot 6, Gimlet Terrace Subdivision.

TRANSFER 81161



0 125 250 500 Feet

**RINKER, HARRY**  
**POD TRANSFER 37-7847A**  
 NAIP 2015 AERIAL

- |                                                                                                         |                                                                                                                                    |
|---------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| <span style="border: 1px solid red; display: inline-block; width: 20px; height: 10px;"></span> Township | <span style="border: 2px solid yellow; border-radius: 50%; display: inline-block; width: 10px; height: 10px;"></span> Existing POD |
| <span style="border: 1px solid blue; display: inline-block; width: 20px; height: 10px;"></span> Section | <span style="border: 1px solid red; border-radius: 50%; display: inline-block; width: 10px; height: 10px;"></span> Transfer POD    |
| <span style="border: 1px solid gray; display: inline-block; width: 20px; height: 10px;"></span> Quarter | <span style="border: 2px solid yellow; display: inline-block; width: 20px; height: 10px;"></span> POU Boundary                     |

| <b>No. C 49059</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Due no later than Mar 31, 2016</b>                                                                                                         |                                                                                                                                                | <b>2. Registered Agent and Address (NO PO BOX)</b>          |       |         |             |                                            |      |                      |      |       |         |             |           |                |             |               |    |     |            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|-------|---------|-------------|--------------------------------------------|------|----------------------|------|-------|---------|-------------|-----------|----------------|-------------|---------------|----|-----|------------|
| Return to:<br>SECRETARY OF STATE<br>700 WEST JEFFERSON<br>PO BOX 83720<br>BOISE, ID 83720-0080<br><br><b>NO FILING FEE IF<br/>RECEIVED BY DUE DATE</b>                                                                                                                                                                                                                                                                                                                           | <b>Annual Report Form</b>                                                                                                                     |                                                                                                                                                | BRIAN L BALLARD<br>877 W MAIN ST STE 1000<br>BOISE ID 83702 |       |         |             |                                            |      |                      |      |       |         |             |           |                |             |               |    |     |            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 1. Mailing Address: Correct in this box if needed.<br><br>WOOD RIVER PROPERTIES, INC.<br>HARRY S RINKER<br>BOX 7250<br>NEWPORT BEACH CA 92663 |                                                                                                                                                |                                                             |       |         |             | 3. <u>New</u> Registered Agent Signature:* |      |                      |      |       |         |             |           |                |             |               |    |     |            |
| 4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).<br><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>HARRY S RINKER</td> <td>PO BOX 7250</td> <td>NEWPORT BEACH</td> <td>CA</td> <td>USA</td> <td>92658-7250</td> </tr> </tbody> </table> |                                                                                                                                               |                                                                                                                                                |                                                             |       |         |             | Office Held                                | Name | Street or PO Address | City | State | Country | Postal Code | PRESIDENT | HARRY S RINKER | PO BOX 7250 | NEWPORT BEACH | CA | USA | 92658-7250 |
| Office Held                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Name                                                                                                                                          | Street or PO Address                                                                                                                           | City                                                        | State | Country | Postal Code |                                            |      |                      |      |       |         |             |           |                |             |               |    |     |            |
| PRESIDENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | HARRY S RINKER                                                                                                                                | PO BOX 7250                                                                                                                                    | NEWPORT BEACH                                               | CA    | USA     | 92658-7250  |                                            |      |                      |      |       |         |             |           |                |             |               |    |     |            |
| 5. Organized Under the Laws of:<br><br><b>CA<br/>C 49059</b>                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                               | 6. Annual Report must be signed.*<br>Signature: Harry Rinker<br>Name (type or print): Harry Rinker<br><br>Date: 02/17/2016<br>Title: President |                                                             |       |         |             |                                            |      |                      |      |       |         |             |           |                |             |               |    |     |            |
| Processed 02/17/2016      * Electronically provided signatures are accepted as original signatures.                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                               |                                                                                                                                                |                                                             |       |         |             |                                            |      |                      |      |       |         |             |           |                |             |               |    |     |            |

TRANSFER 81161

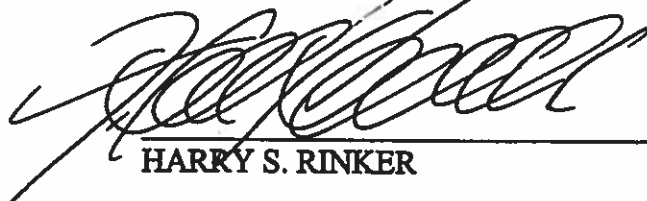
## SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

THAT I, **HARRY S. RINKER**, do hereby make, constitute and appoint **CHARLES E. BROCKWAY** and **CHARLES G. BROCKWAY**, of 2016 N. Washington St., Suite 4, Twin Falls, ID 83301, jointly or severally, my true and lawful attorneys for me, in my name, place and stead, and on my behalf, with full power and authority to execute any and all documents on my behalf as fully and effectually to all intents and purposes as I could do in my own proper person, with full power of substitution, hereby ratifying and confirming all that my said attorney in fact shall lawfully do, or cause to be done, by virtue of the authority herein granted and necessary or useful to carry into effect any or all of the following acts, deeds and things:

1. To execute on my behalf notices of claim, motions, or other pleadings to be filed with the Idaho Department of Water Resources, including filings, in Case No. 39576 or any of its subcases, now pending in the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, commonly referred to as the Snake River Basin Adjudication. My attorney shall also have the power to execute on my behalf any Application for appropriation of a water right, transfer of a water right or other similar documents affecting any water right which I now have an ownership interest in, or may hereafter acquire, or which water right is owned, in whole or in part, by a trust, corporation, limited liability company or other business entity of which I am a trustee, officer, member or owner.
2. This instrument is to be construed and interpreted as a special power of attorney, limited to the enumeration of the specific terms, items, acts, rights or powers herein granted. This power of attorney shall remain in effect until it is revoked by me in writing.
3. This power of attorney shall not be affected by my disability.

IN WITNESS WHEREOF, I have hereunto set my hand at Costa Mesa,  
CALIF, this 6 day of October, 2009.

  
HARRY S. RINKER

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Orange

On

Oct 6, 2009

Date

before me,

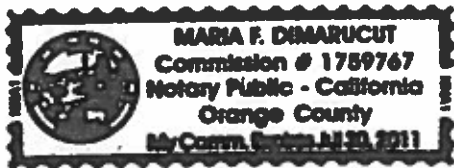
Maria F Dimarucut

Here Insert Name and Title of the Officer

personally appeared

Harry S. Rinker

Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Signature of Notary Public

Place Notary Seal Above

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

### Description of Attached Document

Title or Type of Document:

Special Power of Attorney

Document Date:

10/6/09

Number of Pages:

1

Signer(s) Other Than Named Above:

### Capacity(ies) Claimed by Signer(s)

Signer's Name:

☐ Individual

☐ Corporate Officer — Title(s):

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other:

Signer Is Representing:

Signer's Name:

☐ Individual

☐ Corporate Officer — Title(s):

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other:

Signer Is Representing:

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

September 15, 2016

WOOD RIVER PROPERTIES INC  
HARRY S RINKER  
PO BOX 7250  
NEWPORT BEACH, CA 92658-7250

RE: Transfer No. 81161  
Water Right No(s). 37-7847A

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the **IDAHO MOUNTAIN EXPRESS** on **9/21/2016 and 9/28/2016**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**October 11, 2016**).

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

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

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

Sincerely,

  
Denise Maline  
Administrative Assistant

cc:

BROCKWAY ENGINEERING PLLC  
C/O CHARLES G BROCKWAY  
2016 N WASHINGTON ST STE 4  
TWIN FALLS, ID 83301

## Maline, Denise

---

**From:** Maline, Denise  
**Sent:** Thursday, September 15, 2016 12:40 PM  
**To:** 'Kevin Lakey'; 'Watermstr'  
**Subject:** Comment Letters for Transfer 81161 (Wood River Properties) & 37-23013 (Indian Creek Ranch Owners Assn)  
**Attachments:** Comment Letter to WM37 for 81161 & 37-23013.docx; Transfer 81161 Wood River Properties.pdf; 37-23013 ICROA.pdf

Good afternoon Kevin,

Attached are copies of the (2) applications referenced above, which are 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  
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](mailto:denise.maline@idwr.idaho.gov)*



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

September 15, 2016

KEVIN LAKEY  
WATER DISTRICT #37  
107 W 1<sup>ST</sup>  
SHOSHONE, ID 83352

*Via e-mail*

RE: Transfer No. 81161  
Water Right No(s): 37-7847A

RE: Application for Permit No. 37-23013

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)

## Maline, Denise

---

**From:** Maline, Denise  
**Sent:** Thursday, September 15, 2016 12:00 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 September 21<sup>st</sup> & 28<sup>th</sup>, 2016. 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](mailto:denise.maline@idwr.idaho.gov)*



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

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

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

September 15, 2016

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

RE: Application For Permit No.(s): 36-17049, 37-23013

RE: Transfer No. 81161  
Water Right No(s): 37-7847A

Dear Legal Notice Department:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before October 11, 2016. 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:

**36-17049**

UNITED STATES OF AMERICA ACTING THROUGH  
USDI BUREAU OF LAND MANAGEMENT  
1387 S VINNELL WAY  
BOISE, ID 83709-1657

Point of Diversion NWSNW S14 T09S R27E BLAINE County Source GROUND WATER Tributary

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Use: WILDLIFE 01/01 to 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 5/22/2015

Place Of Use: STOCKWATER, WILDLIFE

T09S R27E S14 SENW

Application for permit seeks to divert 0.02 cfs for stockwater and wildlife uses from a new well located approximately 1.5 miles north and 20.2 miles east of the intersection of State Highway 24 and Baseline Road in Rupert. Water will be pumped to a storage tank and one or two nearby troughs.

**37-23013**

INDIAN CREEK RANCH OWNERS ASSN INC  
PO BOX 3411  
HAILEY, ID 83333-3411

Point of Diversion L2(SWNW) S23 T03N R18E BLAINE County Source INDIAN CREEK Tributary BIG WOOD RIVER

Point of Diversion L3(NWSW) S23 T03N R18E BLAINE County Source INDIAN CREEK Tributary BIG WOOD RIVER

Point of Diversion NESE S22 T03N R18E BLAINE County Source INDIAN CREEK Tributary BIG WOOD RIVER

Point of Diversion SWSE S22 T03N R18E BLAINE County Source INDIAN CREEK Tributary BIG WOOD RIVER

Point of Diversion SESE S22 T03N R18E BLAINE County Source INDIAN CREEK Tributary BIG WOOD RIVER

Point of Diversion NWNE S27 T03N R18E BLAINE County Source INDIAN CREEK Tributary BIG WOOD RIVER

Point of Diversion NENW S27 T03N R18E BLAINE County Source INDIAN CREEK Tributary BIG WOOD RIVER

Point of Diversion SWNW S27 T03N R18E BLAINE County Source INDIAN CREEK Tributary BIG WOOD RIVER

Point of Diversion NESE S28 T03N R18E BLAINE County Source INDIAN CREEK Tributary BIG WOOD RIVER

Point of Diversion NWSE S28 T03N R18E BLAINE County Source INDIAN CREEK Tributary BIG WOOD RIVER

Point of Diversion SWSE S28 T03N R18E BLAINE County Source INDIAN CREEK Tributary BIG WOOD RIVER

Point of Diversion NWNE S33 T03N R18E BLAINE County Source INDIAN CREEK Tributary BIG WOOD RIVER

Point of Diversion SENW S33 T03N R18E BLAINE County Source INDIAN CREEK Tributary BIG WOOD RIVER

Point of Diversion NESW S33 T03N R18E BLAINE County Source INDIAN CREEK Tributary BIG WOOD RIVER

Use: GROUND WATER RECHARGE 11/01 to 04/14 3 CFS

Total Diversion: 3 CFS

Date Filed: 9/1/2016

Place Of Use: GROUND WATER RECHARGE

T03N R18E S22 NESE SWSE SESE

T03N R18E S23 SWNW NWSW

T03N R18E S27 NWNE NENW SWNW

T03N R18E S28 NESE NWSE SWSE

T03N R18E S33 NWNE SENW NESW

Application for permit proposes diverting up to 3.0 cfs for ground water recharge from 14 new points of diversion on Indian Creek. All proposed diversions and recharge sites are on grounds within the Indian Creek Ranch Subdivision which is located approximately 1.9 to 3.9 miles north and 0.4 miles west to 1.5 miles east of the center of Hailey.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

**TRANSFER NO. 81161**

WOOD RIVER PROPERTIES INC, HARRY S RINKER, PO BOX 7250, NEWPORT BEACH, CA 92658-7250; has filed Application No. 81161 for changes to the following water rights within BLAINE County(s): Right No(s). 37-7847A. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to add two new points of diversion to a 0.14 cfs ground water portion of water right 37-7847A. The new wells will be located approximately 1.1 miles east and 3.7 miles south of the intersection of State Highway 75 and Sun Valley Road in Ketchum.

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](http://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](http://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 October 11, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director  
Published on September 21<sup>st</sup>, & 28<sup>th</sup>, 2016

# MEMORANDUM

**Date:** September 2, 2016  
**To:** Transfer 81161, Wood River Properties File  
**From:** Jim Bitzenburg  
**Re:** Evaluation of Sufficiency of Information Submitted

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Application for transfer proposes to add two new points of diversion to a 0.14 cfs ground water portion of water right 37-7847A. The new wells will be located approximately 1.1 miles east and 3.7 miles south of the intersection of State Highway 75 and Sun Valley Road in Ketchum.

The proposed transfer is located within Water District 37. Water Master comments will be solicited. The transfer will be advertised.

- **Authority to File:**  
The Department's database indicates that the applicant is the current owner of right 37-7847A. The application is signed by Charles G. Brockway, who was granted power of attorney by Harry Rinker, the president of Wood River Properties. POA document and corporate Annual Report form for Wood River Properties were included with application.
- **Water Right Validity:**  
Right 37-7847A was licensed on October 30, 1998. Aerial imagery and an earlier site visit indicate that the property is well irrigated and the home has been in use. Forfeiture is not an issue.
- **Injury to Other Water Rights:**  
None anticipated or foreseen. No increase in diversion rate, volume, or acres will occur.
- **Enlargement of Use:**  
None anticipated. There will be no increase in acres or water use.
- **Local Public Interest:**  
No issues anticipated. Application will be advertised.
- **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:** September 2, 2016  
**To:** Wood River Properties Inc., transfer #81161 file  
**From:** Jim Bitzenburg  
**Re:** Receipting/disposition of fees paid

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This transfer involves adding two new points of diversion (wells) for the groundwater portion (0.14 cfs) of water right 37-7847A. The fee will be based on the portion being transferred, 0.14 cfs, so the total fee from the transfer fee schedule is \$200.00. When the application was filed, Brockway Engineering paid \$250.00 with check #13533, receipt S035692. They have requested a refund of the overpayment, so a request for such has been emailed to Sascha Marston in the State office.

## **Bitzenburg, James**

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**From:** Bitzenburg, James  
**Sent:** Friday, September 02, 2016 8:59 AM  
**To:** Marston, Sascha  
**Subject:** Request for refund of fees overpaid

Sascha-

I am processing a transfer application (#81161, Wood River Properties, Inc.), and the applicant's representative has over paid the application fee by \$50.00, so could you issue a refund of \$50.00 to Brockway Engineering, PLLC? The receipt number is S035692 and the address for Brockway Engineering is:

**Brockway Engineering, PLLC**  
**2016 Washington St. N. Ste. 4**  
**Twin Falls, ID 83301**

Thanks, and let me know if you have any questions.

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](mailto:james.bitzenburg@idwr.idaho.gov)**

## Bitzenburg, James

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**From:** Charles G. Brockway [charles.g.brockway@brockwayeng.com]  
**Sent:** Thursday, September 01, 2016 4:49 PM  
**To:** Bitzenburg, James  
**Subject:** Wood River Properties POD transfer on 37-7847A

Jim,

Pursuant to our telephone call today, the applicant wishes to clarify that 1) the "unnamed stream" source will remain on the water right; 2) the actual well flow rate given the previous transfer of 0.01 cfs is 0.14 cfs; and 3) I understand that we overpaid by \$50 and will be expecting a refund.

Thanks,  
Chuck

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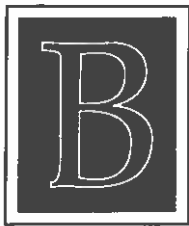
Charles G. Brockway, Ph.D., P.E.  
Brockway Engineering, PLLC  
2016 Washington St. North, Suite 4  
Twin Falls, ID 83301  
(208) 736-8543  
[charles.g.brockway@brockwayeng.com](mailto:charles.g.brockway@brockwayeng.com)

*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.*

RECEIVED

AUG 24 2016

DEPT OF WATER RESOURCES  
SOUTHERN REGION



**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

August 22, 2016

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

Re: POD Transfer – Wood River Properties

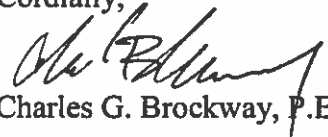
Dear Corey:

Enclosed please find an Application for Transfer to add two (2) wells as points of diversion under water right 37-7847A. The existing wells have been steadily declining in yield for several years, and have now reached a critical level where the water right diversion rate can no longer be reliably delivered.

Please note that the total rate to be transferred is 0.15 cfs, representing only the diversion rate from the wells rather than the total rate on this fairly complex water right.

Please do not hesitate to contact me if any questions arise.

Cordially,



Charles G. Brockway, P.E.

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

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

Enc. Application for Transfer  
\$250 fee

cc: Harry Rinker

2016 NORTH  
WASHINGTON  
STREET • SUITE 4

TWIN FALLS,  
IDAHO 83301

208•736•8543

FAX: 736•8506