

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80786**

This is to certify that: **NIRVANA SPRINGS LLC
C/O HECHT FAMILY OFFICE
1114 STATE ST STE 310
SANTA BARBARA, CA 93101**

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
71-2078	WR/DECREED	9/11/1949	2.890 cfs	N/A	N/A	52.0	WARM CREEK

Purpose of Transfer (Changes Proposed)

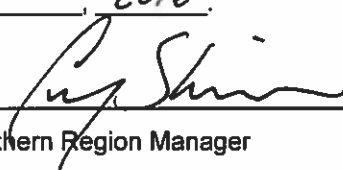
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
71-2078	NO	YES	YES	NO	NO	YES

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
71-2078	71-2078	2.890 cfs	N/A	48.7	343.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.890 cfs	N/A	48.7	343.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 12th day of August, 2016.


Southern Region Manager

WATER RIGHT NO. 71-2078**As Modified by Transfer No. 80786**

In accordance with the approval of Transfer No. 80786, Water Right No. 71-2078 is now described as follows:

Right Holder: NIRVANA SPRINGS LLC
C/O HECHT FAMILY OFFICE
1114 STATE ST STE 310
SANTA BARBARA, CA 93101

Priority Date: 9/11/1949

Source: WARM CREEK

Tributary: SALMON RIVER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	5/01	to 10/31	2.710 cfs	
RECREATION STORAGE	01/01	to 12/31		2.7 af
AESTHETIC STORAGE	01/01	to 12/31		2.7 af
WILDLIFE STORAGE	01/01	to 12/31		2.7 af
DIVERSION TO STORAGE	05/01	to 10/31	0.160 cfs	
RECREATION	05/01	to 10/31	0.160 cfs	
AESTHETIC	05/01	to 10/31	0.160 cfs	
WILDLIFE	05/01	to 10/31	0.160 cfs	
MITIGATION BY NON-USE	05/01	to 10/31	0.020 cfs	
			2.890 cfs	

LOCATION OF POINT(S) OF DIVERSION

WARM CREEK NWSE Sec 27 Twp 08N Rge 14E CUSTER County
WARM CREEK NWSE Sec 27 Twp 08N Rge 14E CUSTER County

PLACE OF USE: AESTHETIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	14E	27														X			

PLACE OF USE: AESTHETIC STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	14E	27														X			

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	14E	27			39.0						40.0	40.0		40.0		39.0	40.0		238.0
08N	14E	28													25.0				25.0
08N	14E	34		40.0			40.0												80.0

Right Acre Limit: 48.7

POU Total Acres: 343.0

Transfer No. 80786

WATER RIGHT NO. 71-2078
As Modified by Transfer No. 80786

PLACE OF USE: MITIGATION BY NON-USE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	14E	27														X			

PLACE OF USE: RECREATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	14E	27														X			0

PLACE OF USE: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	14E	27														X			0

PLACE OF USE: WILDLIFE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	14E	27														X			

PLACE OF USE: WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	14E	27														X			

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 48.7 acres within the authorized place of use in a single irrigation season.
2. This right is limited to the irrigation of a specific 48.7 acres within the 343 acre place of use authorized by this right in a single irrigation season. The specific 48.7 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 48.7 acres to be irrigated within the 343 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

WATER RIGHT NO. 71-2078
As Modified by Transfer No. 80786

CONDITIONS OF APPROVAL

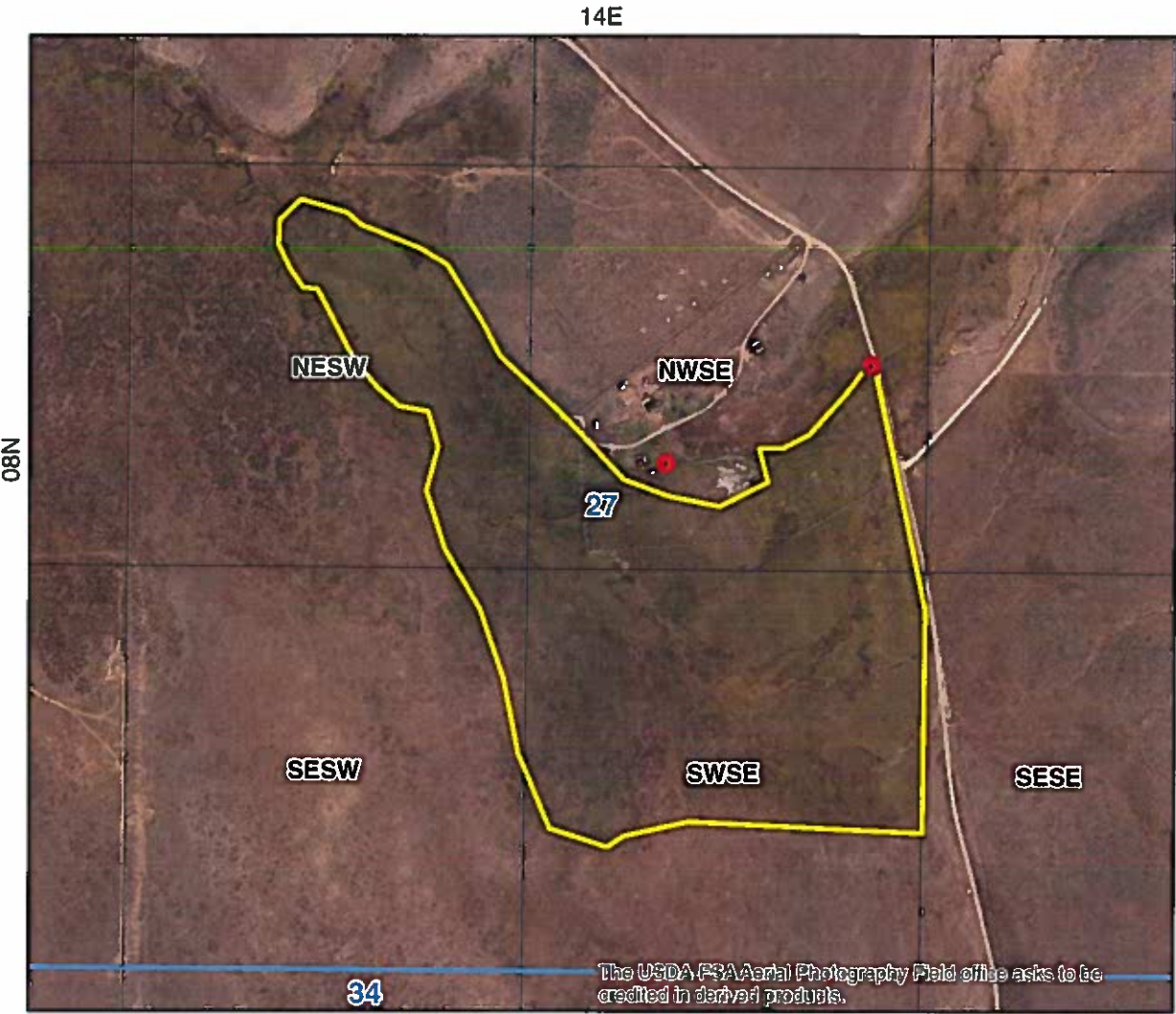
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 71.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
6. Transfer 80786 authorizes the diversion and delivery of 0.16 cfs and 2.7 af of water to storage for replacement of evaporative losses from the pond authorized by Rights 71-10955 and 71-10956.
7. This right mitigates for the depletion of water resulting from the diversion and use of water under 71-10957 and evaporative losses associated with the recreation use under 71-10954. To prevent injury to other water right holders, the right holder shall cease diverting 0.02 cfs of this right from Warm Creek for the irrigation of 0.4 acres.

If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Right 71-10957 and the recreation use under Right 71-10954 that are being mitigated shall be reduced by the same proportion as the reduction to this right.

8. Rights 71-2078, 71-10955 and 71-10956 authorize 3.54 acre-feet to be used for the initial filling or carryover storage of the pond, 2.7 acre-feet for the replacement of losses caused by evaporation and a total annual storage volume of 6.24 acre-feet.
9. The pond established by the storage of water under rights 71-2078, 71-10955 and 71-10956 shall not exceed a total capacity of 3.54 acre-feet or a total surface area of 0.44 acres.
10. Irrigation diversion occurring from the pond that is described by rights 71-2078, 71-10955, and 71-10956 shall not exceed the amount of water diverted into the pond from Warm Creek and shall only occur when water is being diverted into the pond from Warm Creek. When irrigation diversion is not actively occurring from the pond, diversions to the pond under this right shall be limited to 0.16 cfs.
11. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Attachment to Transfer # 80786
71-2078

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.05 0.1 0.2 Miles



State of Idaho
Department of Water Resources

Attachment to Transfer # 80786

71-2078

This map depicts the RECREATION, AESTHETIC, WILDLIFE,
RECREATION STORAGE, AESTHETIC STORAGE, AND WILDLIFE STORAGE,
place of use boundary for this water right at the time of this approval and is
attached to the approval document solely for illustrative purposes.

14E



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

0 0.035 0.07 0.14 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 80786
71-2078

This map depicts the MITIGATION BY NON-USE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.035 0.07 0.14 Miles





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

August 16, 2016

NIRVANA SPRINGS LLC
C/O HECHT FAMILY OFFICE
1114 STATE ST STE 310
SANTA BARBARA CA 93101

Re: Transfer No: 80786
Water Right No(s): 71-2078

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" being more prominent than the last name "Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

cc:

BROCKWAY ENGINEERING PLLC
C/O ZACH LATHAM
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

MORGAN MILLER WATER MASTER
WATER DISTRICT 71
3594 HOTSPRINGS RD
CHALLIS ID 83226

CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 80786
Water Right No(s): 71-2078**

**NIRVANA SPRINGS LLC
C/O HECHT FAMILY OFFICE
1114 STATE ST STE 310
SANTA BARBARA CA 93101**

**BROCKWAY ENGINEERING PLLC
C/O ZACH LATHAM
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301**

**MORGAN MILLER WATER MASTER
WATER DISTRICT 71
3594 HOTSPRINGS RD
CHALLIS ID 83226**

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Updated
MEMORANDUM

Date: May 16, 2016
To: Transfer 80786 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes changing the point of diversion, place of use, and nature of use of a water right that currently allows for the diversion of 2.89 cfs of water from Warm Creek for the irrigation of 52 acres. The application proposes changing the recorded location of the points of diversion to more accurately reflect their actual locations. The transfer proposes converting a 3.3 acre portion of the right to wildlife, recreation, aesthetic uses and mitigation by non-use associated with two proposed soaking pools and an excavated pond as described on companion applications for permit 71-10954, 71-10955, 71-10956, and 71-10957. The transfer also proposes creating a 343 acre permissible place of use for the remaining 48.7 acres of irrigation. The transfer will also change the 10 acre legal descriptions for the points of diversion to 40 acre tract descriptions. Points of diversion and all proposed uses will be located approximately 15.3 to 15.8 miles south and 6.4 to 6.8 miles east of Stanley.

The four companion permits are collectively seeking to create a 3.5 acre foot excavated pond using both Warm Creek water and ground water; create two soaking pools (0.1 acre feet combined) using ground water and water from a hot spring, and authorize domestic use of ground water from a proposed well for four proposed residences.

Applicant has provided sufficient analysis for the proposed nature of use changes from irrigation to recreation, aesthetic and recreation uses. Provided analysis considered higher rates of evaporation for the higher than average water temperatures in Warm Creek and the hot water used in the soaking pools. See summaries provided with transfer for more detail. Overlap review finds no overlap with other irrigation water rights at the current place of use and proposed PPU. PODs and PPU are located in Water District 71 and Watermaster comments were solicited.

- **Authority to File:** IDWR records indicate the applicant is the current owner of the water right in this transfer.
- **Water Right Validity:** Water right 71-2078 was decreed in the SRBA on 3/16/1999. 2015 aerial and satellite imagery indicates the properties involved with this transfer appear irrigated. Watermaster provided WMIS records indicating 128.60 acre feet of water was diverted from Warm Creek for irrigation in 2015.
- **Injury to Other Water Rights:**
None anticipated.

- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **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 on Agricultural Base of the Local Economy:**
None Anticipated.

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

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: 80786
Water Right No: 71-2078
Applicant Name: Nirvana Springs LLC

Watermaster's Recommendation:

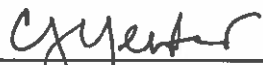
- a) ☐ I do not oppose approval of this application
- b) ☒ I do not oppose approval of this application under the following terms:

When irrigation use is not actively occurring, diversions under this right shall be limited to 0.16 cfs.

- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: May 12, 2016

Water District 170



Cindy Yenter, Watermaster

for WD 71

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Anna Means, representing the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated April 21 2016 and ending with the issue dated April 28 2016

Anna Means

STATE OF IDAHO

COUNTY OF CUSTER

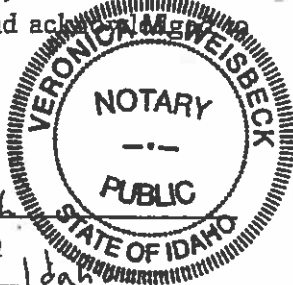
On this 28th day of April in the year of 2016, before me, a Notary Public,

personally appeared Anna Means, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Veronica M. Weisbeck
Notary Public for Idaho

Residing at Challis, Idaho

My commission expires: 1/9/21



✓ OK DM 5/2/2016

RECEIVED

APR 29 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

(Via E-mail)

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

71-10954

NIRVANA SPRINGS LLC
C/O HECHT FAMILY OFFICE
1114 STATE ST STE 310
SANTA BARBARA, CA 93101
Point of Diversion NWSE S27
T08N R14E CUSTER County
Source GROUND WATER
Tributary

Use: DOMESTIC 01/01 to 12/31 0.06 CFS
Use: RECREATION 01/01 to 12/31 0.06 CFS

Total Diversion: 0.12 CFS

Date Filed: 3/21/2016

Place Of Use: DOMESTIC, RECREATION

T08N R14E S27 NESW NWSE

Application for permit proposes the diversion of ground water from a proposed new well to be drilled for domestic use at four residences and recreation use for cooling two proposed soaking pools. Proposed point of diversion and place of use are located approximately 15.5 miles south and 6.6 miles east of Stanley.

This application proposes the diversion and use of water tributary to a federally designated Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for domestic and non-consumptive uses.

over →

71-10955

NIRVANA SPRINGS LLC
C/O HECHT FAMILY OFFICE
1114 STATE ST STE 310
SANTA BARBARA, CA 93101
Point of Diversion NWSE S27
T08N R14E CUSTER County
Source GROUND WATER
Tributary

Use: AESTHETIC STORAGE
01/01 to 12/31 3.7 AF

Use: RECREATION STORAGE
01/01 to 12/31 3.7 AF

Use: WILDLIFE STORAGE
01/01 to 12/31 3.7 AF

Total Diversion: 3.7 AF

Date Filed: 3/21/2016

Place Of Use: AESTHETIC
STORAGE, RECREATION-STOR-
AGE, WILDLIFE STORAGE

T08N R14E S27 NWSE

Application for permit propos-
es the appropriation of ground
water associated with an excavat-
ed pond constructed below the
upper level of the ground water
table. Proposed point of diversion
and place of use are located
approximately 15.5 miles south
and 6.6 miles east of Stanley.
Consumptive use(s) associated
with this application are pro-
posed to be mitigated by convert-
ing irrigation acres to use(s) asso-
ciated with the pond via compan-
ion transfer application # 80786.

This application proposes the
diversion and use of water tribu-
tary to a federally designated
Wild & Scenic River. The decreed
minimum stream flow rights for
the federal Wild & Scenic Rivers
are subordinate to certain cate-
gories of water use and to specif-
ic amounts of water use estab-
lished after the minimum stream
flow. The water use proposed in
this application will benefit from
the subordination provision
because it is for domestic and
non-consumptive uses.

71-10956

NIRVANA SPRINGS LLC
C/O HECHT FAMILY OFFICE
1114 STATE ST STE 310
SANTA BARBARA, CA 93101
Point of Diversion NWSE S27
T08N R14E CUSTER County
Source WARM CREEK Tributary
SALMON RIVER

Point of Diversion NWSE S27
T08N R14E CUSTER County
Source WARM CREEK Tributary
SALMON RIVER

Use: AESTHETIC 04/01 to
10/31 0.3 CFS

Use: AESTHETIC STORAGE
01/01 to 12/31 0.4 AF

Use: DIVERSION TO STOR-
AGE 04/01 to 10/31 0.3 CFS

Use: RECREATION 04/01 to
10/31 0.3 CFS

Use: RECREATION STORAGE
01/01 to 12/31 0.4 AF

Use: WILDLIFE 04/01 to
10/31 0.3 CFS

Use: WILDLIFE STORAGE
01/01 to 12/31 0.4 AF

Total Diversion: 0.3 CFS 0.4 AF

Date Filed: 3/21/2016

Place Of Use: AESTHETIC,
AESTHETIC STORAGE, RECRE-
ATION, RECREATION STORAGE,
WILDLIFE, WILDLIFE STORAGE
T08N R14E S27 NWSE

Application for permit propos-
es the appropriation of water
from Warm Creek for uses associ-
ated with the upper portion of an
excavated pond for recreation,
aesthetic and wildlife uses. Note
that this is the same pond
described in companion applica-
tion for permit 71-10955.
Consumptive use(s) associated
with this application are pro-
posed to be mitigated by follow-
ing irrigated acres for a season and
converting irrigation acres to
use(s) associated with the pond
via companion transfer applica-
tion # 80786. Proposed point of
diversion and place of use are
located approximately 15.4 miles
south and 6.8 miles east of
Stanley.

This application proposes the
diversion and use of water tribu-
tary to a federally designated
Wild & Scenic River. The decreed
minimum stream flow rights for
the federal Wild & Scenic Rivers
are subordinate to certain cate-
gories of water use and to specif-
ic amounts of water use estab-
lished after the minimum stream
flow. The water use proposed in
this application will benefit from
the subordination provision
because it is for domestic and
non-consumptive uses.

71-10957

NIRVANA SPRINGS LLC
C/O HECHT FAMILY OFFICE
1114 STATE ST STE 310
SANTA BARBARA, CA 93101
Point of Diversion SENWSE
S27 T08N R14E CUSTER County
Source HOT SPRINGS Tributary
WARM CREEK

Use: DIVERSION TO STOR-
AGE 01/01 to 12/31 0.22 CFS

Use: HEATING 01/01 to
12/31 0.1 CFS

Use: RECREATION 01/01 to
12/31 0.22 CFS

Use: RECREATION STORAGE
01/01 to 12/31 0.4 AF

Total Diversion: 0.32 CFS
0.4 AF

Date Filed: 3/21/2016

Place Of Use: HEATING,
RECREATION, RECREATION
STORAGE

T08N R14E S27 NESW
NWSE

Application for permit propos-
es the appropriation of water
from hot springs for use of water
in two proposed soaking pools
and for heating of four resi-
dences. Note that this is the
same soaking pools and resi-
dences described in companion
application for permit 71-10954.
Consumptive use(s) associated
with this application are pro-
posed to be mitigated by follow-
ing irrigated acres for a season and
converting irrigation acres to
use(s) associated with the pond
via companion transfer applica-
tion # 80786. Proposed point of
diversion and place of use are
located approximately 15.5 miles
south and 6.6 miles east of
Stanley.

This application proposes the
diversion and use of water tribu-
tary to a federally designated
Wild & Scenic River. The decreed
minimum stream flow rights for
the federal Wild & Scenic Rivers
are subordinate to certain cate-
gories of water use and to specif-
ic amounts of water use estab-
lished after the minimum stream
flow. The water use proposed in

this application will benefit from
the subordination provision
because it is for domestic and
non-consumptive uses.

✓ OK DM 5/2/2016

Note:

should have only

advertised "cfs" amount : 71-10956 + 71-10957.

OK to not re-advertise.

✓

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 80786**

NIRVANA SPRINGS LLC, C/O
HECHT FAMILY OFFICE, 1114
STATE ST STE 310, SANTA BAR-
BARA, CA 93101; has filed
Application No. 80786 for
changes to the following water
rights within CUSTER County(s):
Right No(s). 71-2078. The pur-
pose of the transfer is to change a
portion of the above rights as fol-
lows: Application for transfer
proposes changing the point of
diversion, place of use, and
nature of use of a water right that
currently allows for the diversion
of 2.89 cfs of water from Warm
Creek for the irrigation of 52
acres. The application proposes
changing the recorded location of
the points of diversion to more
accurately reflect their actual
locations. The transfer proposes
converting a 3.3 acre portion of
the right to wildlife, recreation,
aesthetic uses and mitigation by
non-use associated with two pro-
posed soaking pools and an exca-
vated pond as described on com-
panion applications for permit
71-10954, 71-10955, 71-10956,
and 71-10957. The transfer also
proposes creating a 343 acre per-
missible place of use for the

remaining 48.7 acres of irriga-
tion. Points of diversion and all
proposed uses will be located
approximately 15.3 to 15.8 miles
south and 6.4 to 6.8 miles east of
Stanley.

Permits will be subject to all
prior water rights. For additional
information concerning the prop-
erty 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/QueryNew
Transfers.aspx](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx). For additional
information on new permits,
please see

[www.idwr.idaho.gov/WaterMana-
gement/WaterRights/#New
Listings](http://www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings). Protests may be sub-
mitted 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 May 9, 2016. The
protestant must also send a copy
of the protest to the applicant.

GARY SPACKMAN, Director

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2016

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✓ OK DM
5/2/2016