

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

81045

JUL 18 2016

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) Jeffrey A. McNeeCheck 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 I.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part I. 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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APPLICATION FOR TRANSFER OF WATER RIGHT DEPT OF WATER RESOURCES
PART 1 SOUTHERN REGION

Name of Applicant(s) Jeffrey A. McNee Phone 208-720-3812
Mailing address PO Box 1171, Sun Valley, Idaho, 83353 Email jeff@hsfcorp.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.

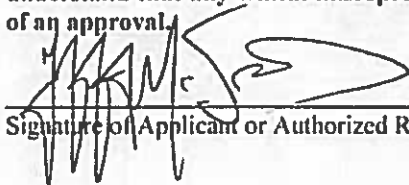
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative James P. Speck 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

Jeffrey A. McNee
Print Name and Title if applicable

7-13-16
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.

The IDWR's PLS legal descriptions for the unsurveyed area North of Ketchum were changed in 2015 to comply with the BLM descriptions. This Application is filed to make the PLS legal descriptions of the POU and POD of this domestic water right match the current descriptions in the IDWR records. POU & POD are in HES 127.

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.		<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☒ ☐		37-12289	0.04	domestic	Jan. 1 to Dec. 31	ground water
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	

Total authorized under rights 0.04 cfs cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.04 cfs cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change 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 #
		NE	SE	SE	23	5N	17E	Blaine	ground water	

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	
5N	17E	24											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:

Stonegate Homeowners Association, Inc. well, pump, mainline to Lot 15

- b. Who owns the property at the point(s) of diversion? Stonegate Homeowners Association, Inc.

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Every lot in the subdivision is served by the Association's well.

- 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?

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:

N/A

- 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:

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1. Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the Part 2B form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

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	
Total Acres (for irrigation use)																			

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

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

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a.**
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b.**

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

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

B. CHANGES IN NATURE OF USE (Water Balance)

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

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

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

[The page contains faint horizontal lines and very light, illegible markings.]

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by DM Date 7-18-2016 Preliminary check by _____ Date _____

Fee paid \$200- Date 7-18-2016 Received by DM Receipt # 5035606

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

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

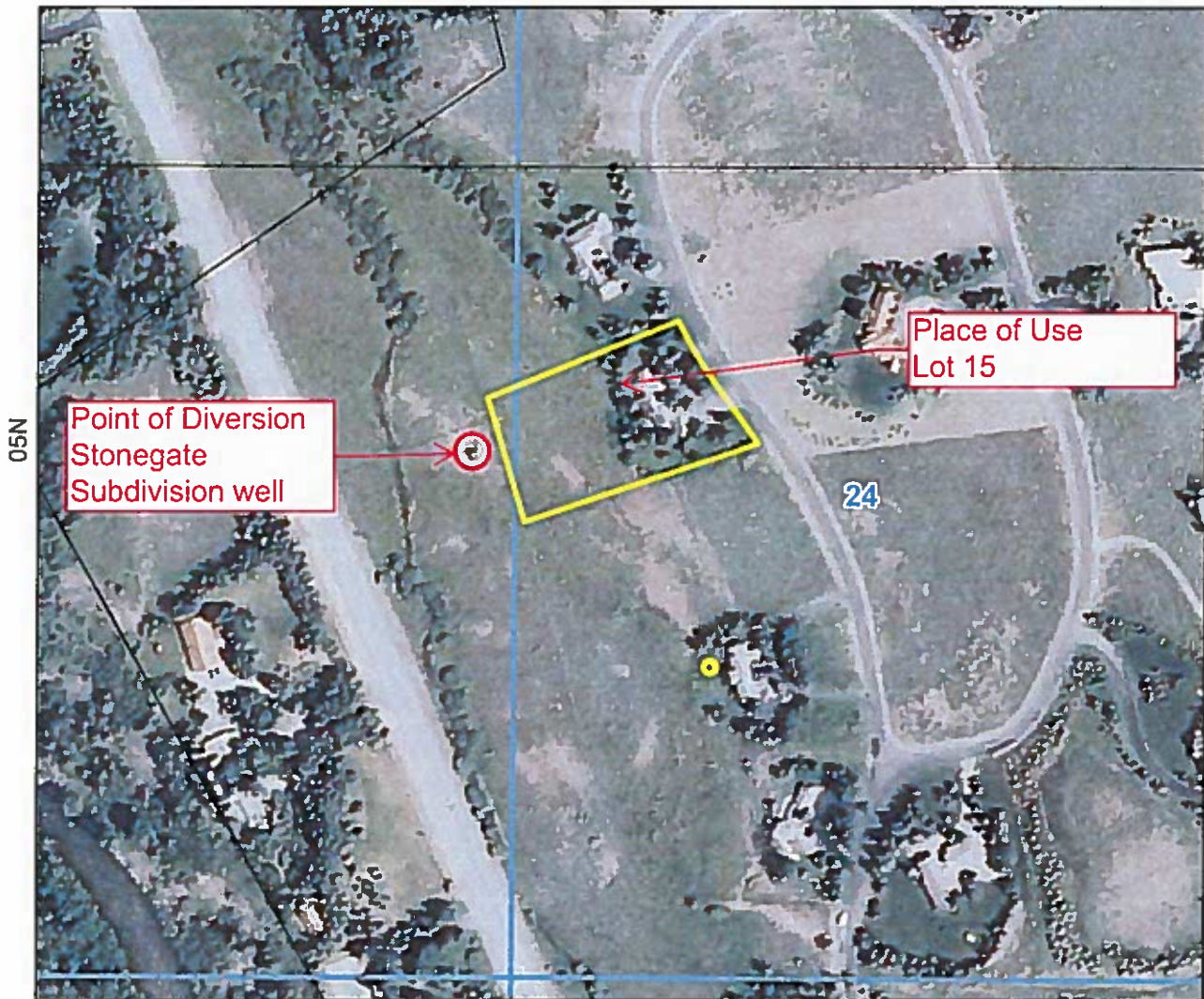
State of Idaho
Department of Water Resources

Water Right 37-12289

DOMESTIC

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

17E



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

0 0.035 0.07 0.14 Miles

JEFFREY A. MCNEE
APPLICATION FOR TRANSFER - 37-12289
ATTACHMENT 7a



PLAT OF
HOMESTEAD ENTRY SURVEY No. 127,
 in the
SAWTOOTH NATIONAL FOREST,
 in

Section 23, unsurveyed, T. 5 N., R. 17 E.,
 Section 24, unsurveyed, T. 5 N., R. 17 E.,
 Section 25, unsurveyed, T. 5 N., R. 17 E.,
 Section 26, unsurveyed, T. 5 N., R. 17 E.

of the
 Boise Meridian,
IDAHO,

CLARENCE C. GRAY,
 Claimant.

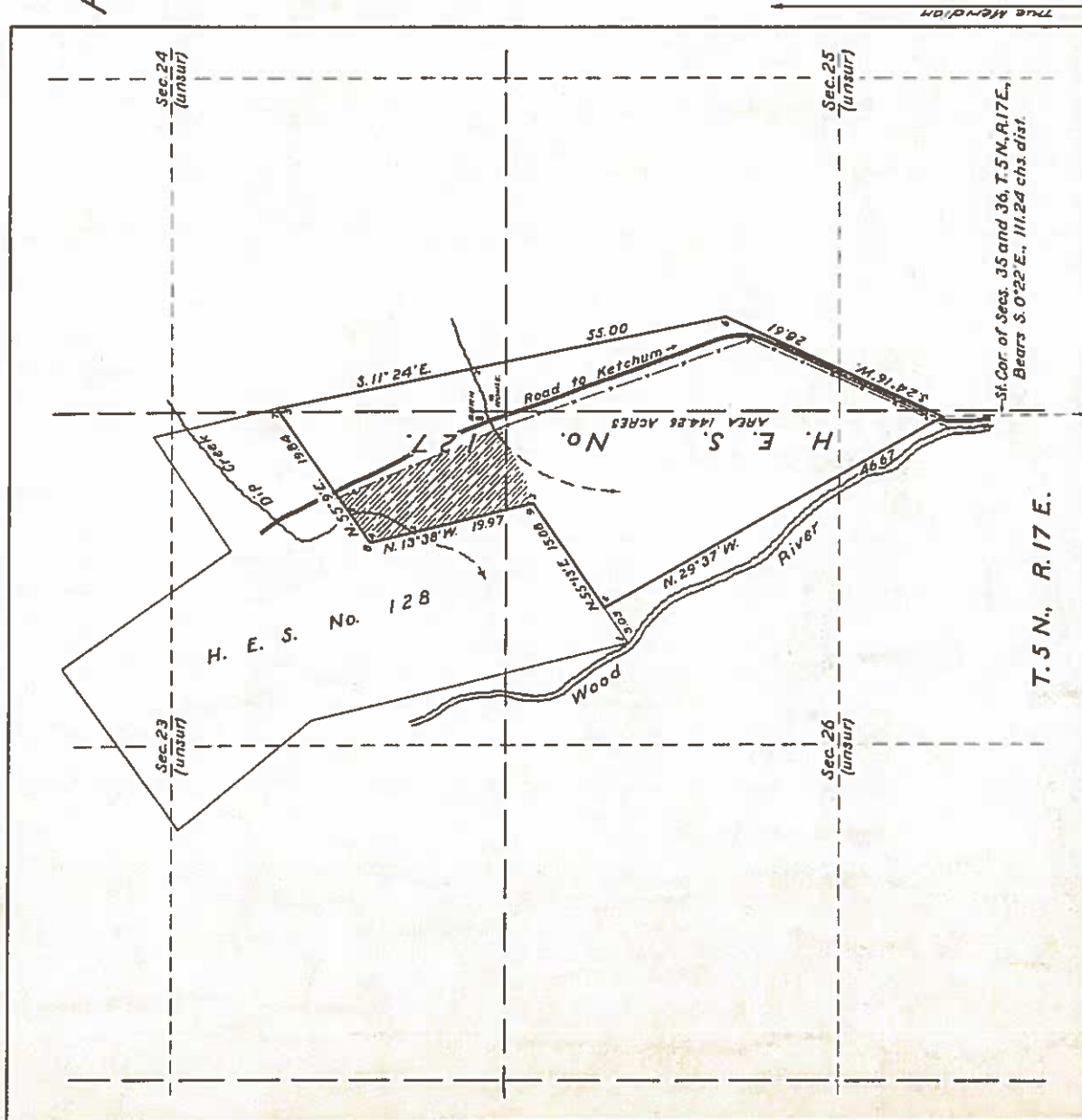
This plat of Homestead Entry Survey No. 127, situated in Section 23, unsurveyed, in Township 5 North, of Range 17 East and in Section 24 unsurveyed, in Township 5 North, of Range 17 East and in Section 25 unsurveyed, in Township 5 North, of Range 17 East and in Section 26 unsurveyed, in Township 5 North, of Range 17 East and in Section 26 unsurveyed, in Township 5 North, of Range 17 East of the Boise Base and Meridian, is strictly conformable to the field notes of the Survey thereof, on file in this office, which have been examined and approved

Office of U.S. Surveyor General
 Boise, Idaho, April 6, 1914.

Samuel A. Utter,
 U.S. Surveyor General

Amended April 14, 1915

List No. 4-57 Date February 12, 1909.
 Act of June 11, 1906; Act of March 4, 1913.
 Latitude 43° 44' 33" N. At
 Longitude 114° 23' 15" W. Corner 1.
 Mean Mag. Decl. 19° 48' E.



Areas	
H. E. Survey No. 127	Conflicts
In Section	
In Section	
In Section	
Total	14.426

Survey Disposition	By Whom Surveyed	When Surveyed	Date of
HE Survey No. 127	William B. Rice	July 9, 1913	Survey (Original Approval)
	Forest Assistant		

Scale
 10 Chains equal 1 inch

Initials W. B. R.

MEMORANDUM

Date: July 28, 2016
To: Transfer 81045 File
From: William Mills
Re: Evaluation of Sufficiency of Information Submitted

Application proposes updating the legal description for the place of use (POU) and changing the point of diversion (POD) for a domestic ground water right, 37-12289. The legal description on the water right for the POU does not match the current IDWR PLS legal description due to IDWR adjusting the PLS grid in 2015 to more accurately match current BLM PLS legal descriptions in this “unsurveyed” area north of Ketchum. The POD location described on the water right is inaccurate as the POD location is incorrect and also due to IDWR’s adjustment of the PLS legal grid. The map provided with the transfer application more accurately reflects the actual location of the POD where the water has always been diverted from, which is the common well for the Stonegate subdivision.

Homestead Entry Survey No. 127 (HES 127) is an unsurveyed location, situated in Sections 23, 24, 25 and 26 of Twp 05N, Rge 17E. The place of use for this water right is located on a parcel legally described as Lot 15 of the Stonegate Subdivision of HES 127 and the POD is located on a parcel legally described as the Common Area & Greenbelt of HES 127. The water right record for 37-12289 describes the POU and POD as located in the NWNW of Sec 25. The current GCDB layer in ArcMap indicates the POU is located in the SWSW of Sec 24 and the correct POD is located in the NESESE of Sec. 23. This transfer will move the POD to the well the water has always been diverted from and update the record to reflect the current location(s) as described by the current GCDB layer in ArcMap. A condition will be added to the water right describing the legal location of the POU as Lot 15 of the Stonegate Subdivision and the POD as in the Common Area & Greenbelt of Stonegate Subdivision of Homestead Entry Survey (HES) No. 127.

Since the application only seeks to correct the location where the water right has always been diverted and used, and there is no actual hydrologic change, the transfer was processed, and can be approved without advertising.

- **Authority to File:**
IDWR records indicate the applicant currently owns the water right and property this right is appurtenant to.
- **Water Right Validity:**
Water right 37-12289 was decreed in the SRBA on 1/05/2001. Home site and irrigated lot are visible in 2015 aerial imagery and 2013 satellite imagery.
- **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 of this application.

MEMORANDUM

Date: July 27, 2016
To: Transfer 81045
From: William Mills
Re: Legal Notice Not Required

Legal Notice Not Required
7/27/2016

Since the application only seeks to correct the location where the water right has always been diverted and used, and there is no actual hydrologic change, the transfer was processed, and can be approved without advertising.

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

Mills, William

From: Jim Speck [jim@speckandaanestad.com]
Sent: Saturday, July 23, 2016 12:21 PM
To: Mills, William
Subject: RE: McNee Transfer (#81045)

Bill,

On my way back from vacation. Please redraw the POU line on the map toto limit it to the SWSW of S.24. Thanks for catching this.

Jim

-----Original Message-----

From: Mills, William
Sent: Wednesday, July 20, 2016 1:18 PM
To: Jim Speck

Jim,
Understanding that these errors are a result of IDWR actions, there is a slight conflict between the legal description for the place of use on the transfer and the provided map. The shape on the map (which is based on the taxlot) indicates the POU is located in both the SWSW of Sec. 24 and SESE of Sec. 23, while the transfer application indicates the POU is in the SWSW of Sec. 24 only. With your direction via email (or an updated map), I can adjust the shape so that the POU is in the SWSW ¼ only or you could provide me with an amended page 3 indicating the POU falls in both 1/4s. Let me know how to proceed, Thanks, Bill

MEMORANDUM

Date: July 20, 2016
To: Transfer 81045
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #81045 were based on the on the current transfer fee schedule and included \$200.00 for the 0.040 cfs being transferred in the application (Receipt No.S035606).

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE

POST OFFICE BOX 987

KETCHUM, IDAHO 83340

JAMES P. SPECK

jlm@speckandaanestad.com

DOUGLAS J. AANESTAD

doug@speckandaanestad.com

TELEPHONE

(208) 726-4421

FACSIMILE

(208) 726-0752

July 14, 2016

RECEIVED

JUL 18 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

BY EMAIL TRANSMISSION TO: William.Mills@idwr.idaho.gov
ORIGINAL TO FOLLOW BY U.S. MAIL

William Mills
650 Addison Avenue West
Suite 500
Twin Falls, Idaho 83301

Re: Application for Transfer of Water Right 37-12289 - Jeffrey A. McNee

Dear Bill:

Per our telephone calls earlier today I am enclosing the original and one copy of the above-referenced Application for Transfer. I have also enclosed 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 I have included for that purpose. Please review and call me right away if you have any comments, questions or concerns. ✓ DM

As we discussed, I am asking that the Department waive advertising of this Application since the place of use and point of diversion are not changing on the ground. The Application is to correct the legal descriptions to conform with the updated PLS data maintained by the Department. I would appreciate anything you can do to get this Application processed and approved as quickly as possible.

Thank you very much.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____

James P. Speck

Enclosures

cc: Client w/encl.
T. Tyree w/encl.