

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 80786

RECEIVED

MAR 21 2016

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

DEPT OF WATER RESOURCES

SOUTHERN REGION

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) Nirvana Springs LLC c/o Hecht Family Office

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

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

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

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

MAR 21 2016

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPT OF WATER RESOURCES
SOUTHERN REGIONAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Nirvana Springs LLC c/o Hecht Family Office Phone 805-845-0253Mailing address 1114 State St Ste 310 Santa Barbara, CA 93101 Email jenna@hechtooffice.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 RepresentativeName of Representative Zach Latham, Hydrologist Brockway Engineering PLLC Phone 208-736-8543Mailing address 2016 Washington St. N Suite #4 Twin Falls, ID 83301 Email zach.latham@brockwayeng.c

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

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

Margaret Hecht

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

3/15/16

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**.

Applicant seeks to create permissible place of use while adding a point of diversion to 71-2078. Additionally,
 71-2078 will be used to mitigate for consumptive uses identified in accompanying water right permit applications.
 Therefore, additional natures of use will be added to 71-2078 and the number of irrigated acres will be reduced.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHTS
PART 1 Continued

DEPT. OF WATER RESOURCES
SOUTHERN REGION

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	71-2078	2.71 cfs	Irrigation	5/01 to 10/31	Warm Creek/Salmon River
☐ ☐		2.7 ac-ft	Recreation Storage	01/01 to 12/31	Warm Creek/Salmon River
☐ ☐		2.7 ac-ft	Aesthetic Storage	01/01 to 12/31	Warm Creek/Salmon River
☐ ☐		2.7 ac-ft	Wildlife Storage	01/01 to 12/31	Warm Creek/Salmon River
☐ ☐		0.16 cfs	Diversion to Storage	5/01 to 10/31	Warm Creek/Salmon River
☐ ☐		0.16 cfs	Recreation	5/01 to 10/31	Warm Creek/Salmon River
☐ ☐		0.16 cfs	Aesthetic	5/01 to 10/31	Warm Creek/Salmon River
☐ ☐		0.16 cfs	Wildlife	5/01 to 10/31	Warm Creek/Salmon River
☐ ☐		0.02 cfs	Mitigation by Non-Use	5/01 to 10/31	Warm Creek/Salmon River

Total authorized under rights 2.89 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 2.89 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	%	%	%	Sec	Twp	Rge	County	Source	Local name or tag #
NO			NW	SE	27	8N	14E	CUSTER	WARM CREEK	EAST POD
NO			NW	SE	27	8N	14E	CUSTER	WARM CREEK	WEST POD

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 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	
8N	14E	27			39						40	40		40		39, M	40		238
8N	14E	28													25				25
8N	14E	34		40			40												80
8N	14E	27														w r j			
8N	14E	27														Ws			
8N	14E	27														Rs			
8N	14E	27														Js			

*IRRIGATION LIMITED TO 48.7 ACRES WITHIN 343 ACRE PPU AFTER TRANSFER APPROVAL.

Total Acres (for irrigation use)

*343

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DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued DEP

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 ☒ ☐	71-2078	2.71 cfs	Irrigation	5/01 to 10/31	Warm Creek/Salmon River
☐ ☐		3.1 ac-ft	Recreation Storage	01/01 to 12/31	Warm Creek/Salmon River
☐ ☐		3.1 ac-ft	Aesthetic Storage	01/01 to 12/31	Warm Creek/Salmon River
☐ ☐		3.1 ac-ft	Wildlife Storage	01/01 to 12/31	Warm Creek/Salmon River
☐ ☐		0.18 cfs	Diversion to Storage	5/01 to 10/31	Warm Creek/Salmon River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights **2.89** **cfs and/or** **3.1** **acre-feet.**

2. Total amount of water proposed to be transferred or changed 2.89 cubic feet per second and/or 3.1 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**.

[illegible]

4. Place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

[illegible]

*IRRIGATION LIMITED TO 48.7 ACRES WITHIN 343 ACRE PPU AFTER TRANSFER APPROVAL.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
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☐ ☐		0.18 cfs	Aesthetic	5/01 to 10/31	Warm Creek/Salmon River
☐ ☐		0.18 cfs	Wildlife	5/01 to 10/31	Warm Creek/Salmon River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.89 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 2.89 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 #
NO			NW	SE	27	8N	14E	CUSTER	WARM CREEK	EAST POD
NO			NW	SE	27	8N	14E	CUSTER	WARM CREEK	WEST POD

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	
8N	14E	27			39						40	40		40		39	40		238
8N	14E	28													25				25
8N	14E	34		40			40												80

Total Acres (for irrigation use)

*343

*IRRIGATION LIMITED TO 48.7 ACRES WITHIN 343 ACRE PPU AFTER TRANSFER APPROVAL.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

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

Water will be diverted from irrigation management pond and pressurized for irrigation application via buried pressurized sprinkler system.

- 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:
N/A.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A.

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

None.

- 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:

None.

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

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

N/A.

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

Current Water Right No.: 71-2078

Current Owner: NIRVANA SPRINGS LLC

Priority Date: 9/11/1949

Origin: Water Right

Status: Active

Basis: Decreed

Source

WARM CREEK

Tributary

SALMON RIVER

Beneficial Use

IRRIGATION

From To

5/01 to 10/31

Total Diversion

Diversion Rate

2.89 CFS

2.89 CFS

Annual Volume

Location of Point(s) of Diversion

WARM CREEK

CUSTER County

SE1/4NW1/4SE1/4

Sec. 27, Twp 08N, Rge 14E B.M.

WARM CREEK

CUSTER County

SE1/4NW1/4SE1/4

Sec. 27, Twp 08N, Rge 14E B.M.

Place of Use

IRRIGATION Within CUSTER County

T08N R14E S27	NESW	12.00	T08N R14E S27	SESW	1.40
T08N R14E S27	NWSE	13.00	T08N R14E S27	SWSE	25.00
T08N R14E S27	SESE	0.60			

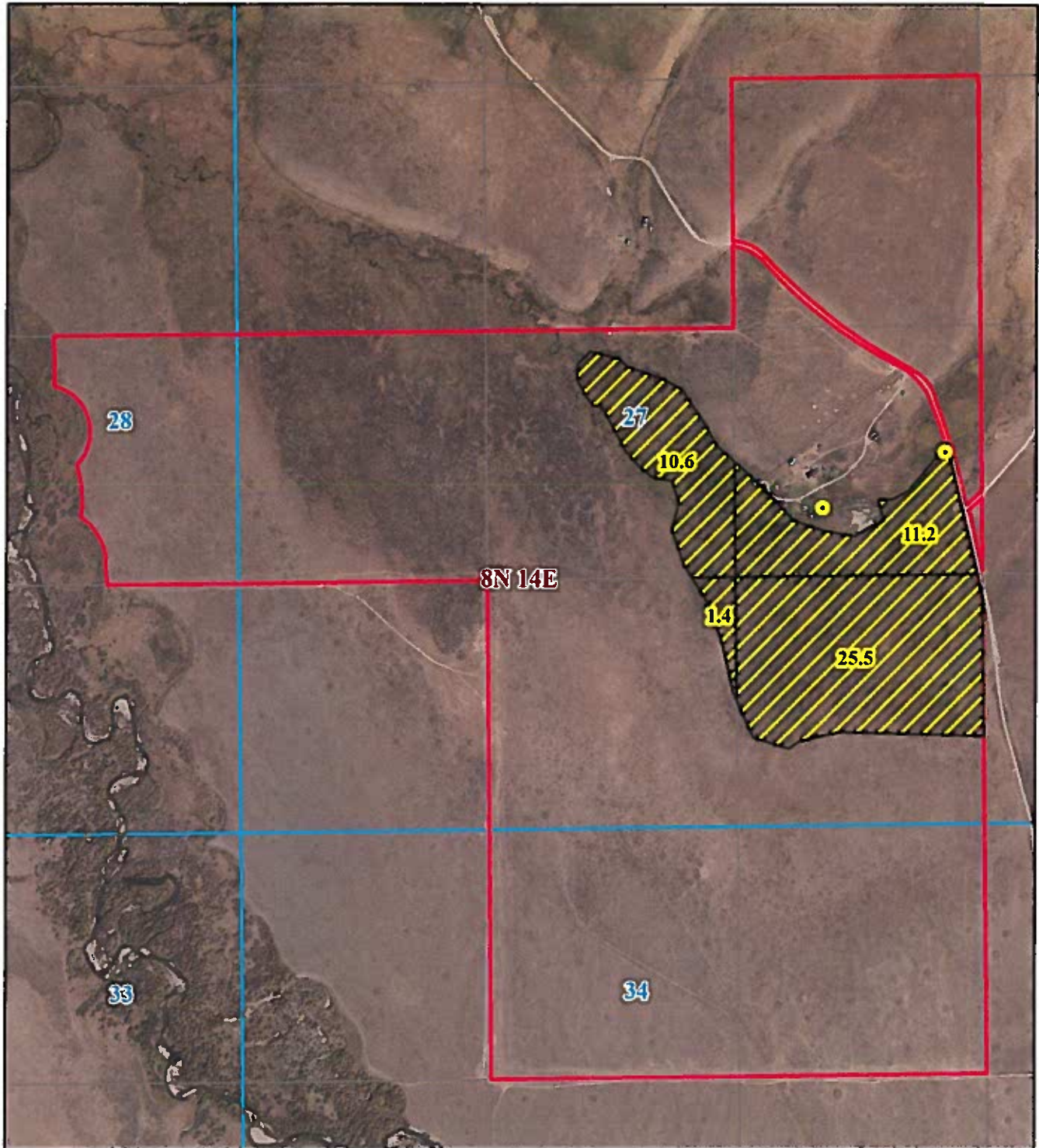
Total Acres: 52

Conditions of Approval:

1. 2 POINTS OF DIVERSION LOCATED IN T08N, R14E, S 27, SENWSE.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3. C13 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 71: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 71 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

Page 7 of _____

Decreed Date: 3/16/1999



NIRVANA SPRINGS LLC
TRANSFER 2016 - POU 48.7 AC. IN PPU
NAIP 2015 AERIAL

0 287.5 575 1,150 Feet

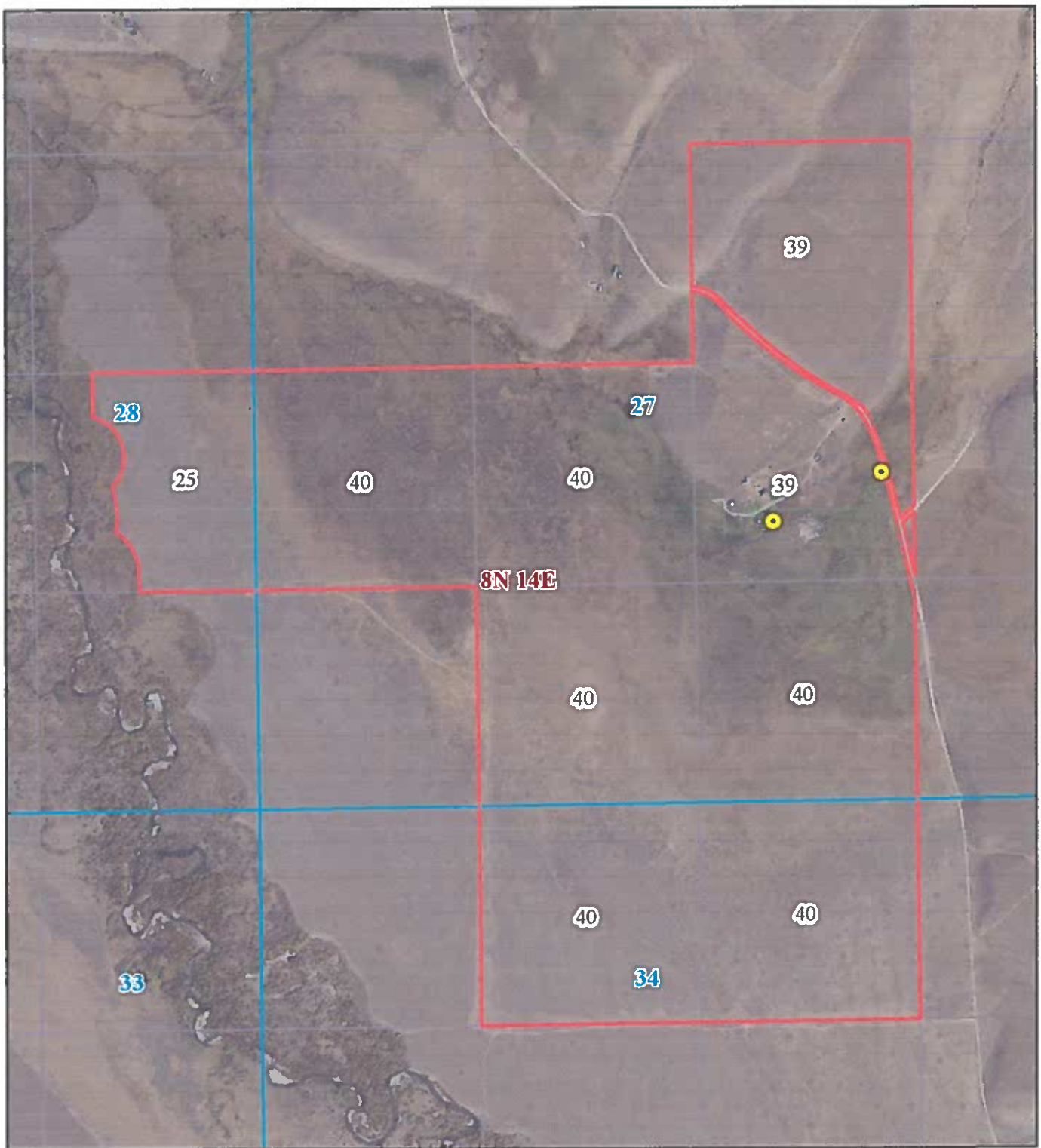
BROCKWAY ENGINEERING, PLLC.
ALR - Date: 4/5/2016

Legend

- | | |
|--------------------------|----------|
| Permissible Place of Use | Township |
| Points of Diversion | Sections |
| IRR POU 2016 | Ladesec |



TRANSFER 80786



NIRVANA SPRINGS LLC

TRANSFER 2016 - PPU
NAIP 2015 AERIAL

0 325 650 1,300 Feet

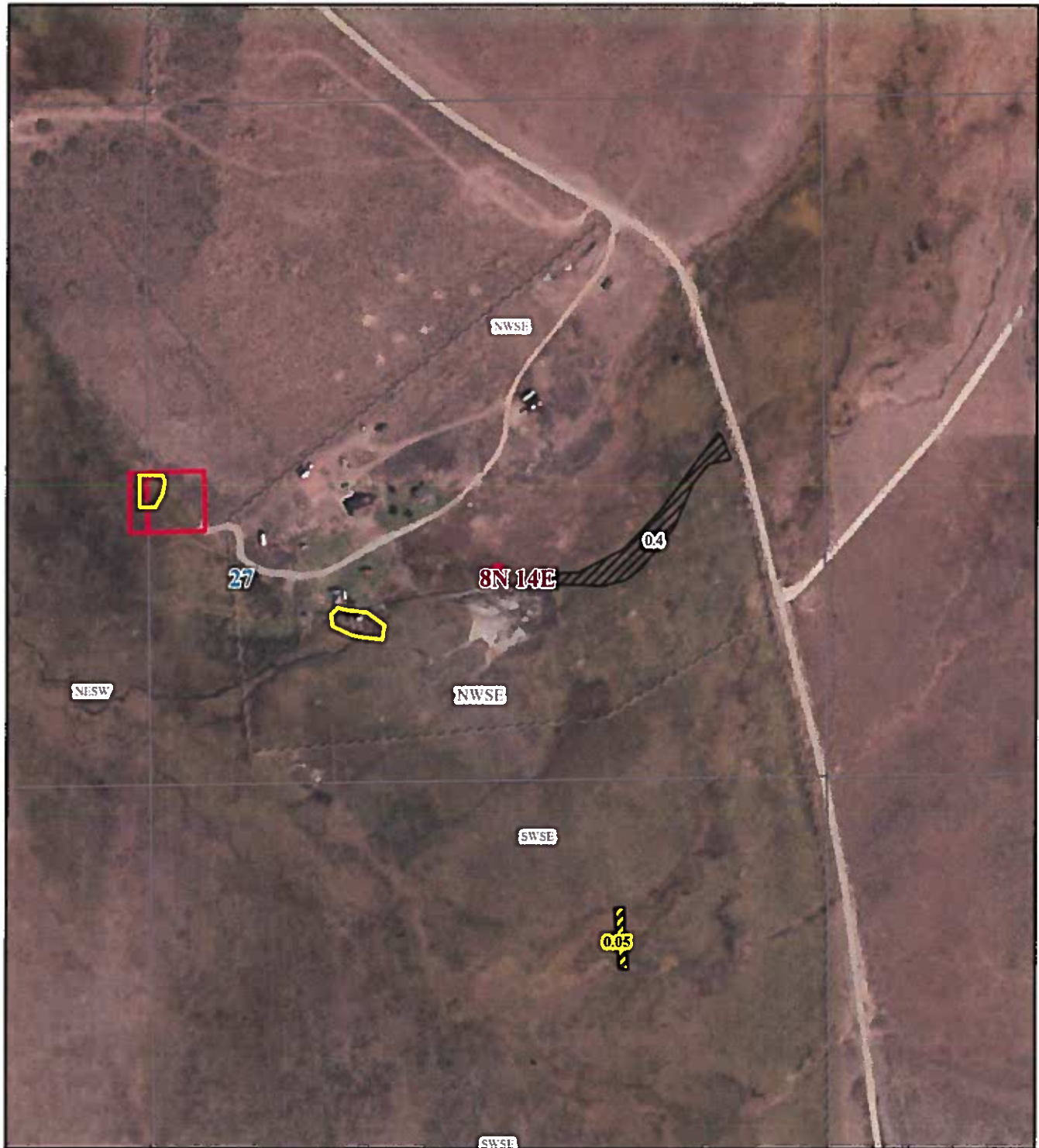
BROCKWAY ENGINEERING, PLLC.
ALR - Date: 3/17/2016

Legend

- Permissible Place of Use
- Points of Diversion
- Township
- Sections
- Landsc



TRANSFER 80786



NIRVANA SPRINGS LLC
APPLICATION FOR PERMIT #4
NAIP 2015 AERIAL

0 105 210 420 Feet

BROCKWAY ENGINEERING, PLLC.
 ALR - Date: 4/12/2016

Legend

Mitigation

- 1st 18#4
- Permanent Dryup #4
- Recreation POU

- Heating POU
- POD #4
- Township
- Sections
- Ladder



TRANSFER 80786

NIRVANA SPRINGS LLC**WR PERMIT VOLUME CALCS****PERMIT #4, SOAKING POOLS FROM HOT SPRINGS**

Brockway Engineering PLLC

3/17/16 ZL

Physical Storage for First Fill:

Pool ID:	Surface		Volume (ft3)	Volume (ac-ft)
	Area (ft2)	Max Depth (ft)		
Hot Pool	120	3.0	360	0.008
Warm Pool 1	120	3.0	360	0.008
Warm Pool 2	64	3.0	192	0.004
Cool Pool	320	3.0	960	0.022
Residence Pool	80	2.0	160	0.004
Guest Pool 1	42	2.0	84	0.002
Guest Pool 2	42	2.0	84	0.002
	788.0	18.0	2200.0	0.05

Evaporation:

Pool ID:	Surface Area (ft2)	Calculated Annual Evap (ft)	Annual Evap Vol (ft3)	Annual Evap Vol (ac-ft)
Hot Pool	120	20.20	2424.2	0.06
Warm Pool 1	120	20.20	2424.2	0.06
Warm Pool 2	64	20.20	1292.9	0.03
Cool Pool	320	20.20	6464.5	0.15
Residence Pool	80	20.20	1616.1	0.04
Guest Pool 1	42	20.20	848.5	0.02
Guest Pool 2	42	20.20	848.5	0.02
	788.0		15918.8	0.37

Seepage:

Pool ID:	*Seepage	
	(ft/d)	Seepage (ac-ft/d)
Hot Pool	0.0	0.0
Warm Pool 1	0.0	0.0
Warm Pool 2	0.0	0.0
Cool Pool	0.0	0.0
Residence Pool	0.0	0.0
Guest Pool 1	0.0	0.0
Guest Pool 2	0.0	0.0
* All pools lined.		0.00

TOTAL POOL VOLUME (AC-FT) FOR PERMIT APPS (STORAGE + EVAP + SEEPAGE) = 0.42**TRANSFER 80786**

Pond and Soaking Pools Evaporation Summary for Seasonally-Heated Pond

Nirvana Springs, LLC

CGB 3/14/2016

Irrigation Management Pond:

April through October: Large pond heated using geothermal water keeping temperature above 80F, evaporation estimated by average of four methods (see calculation spreadsheet).

November through March: no geothermal water diverted to large pond, evaporation taken from Allen and Robison (2012) for shallow systems, Stanley ID station.

Soaking pools: heated to 101F year round, evap estimated by average of four methods.

Month	Pond Condition	Large Pond Evap (in)	Soaking Pools Condition	Soaking Pool Evap (in)
January	Frozen	0.42	Heated	17.71
February	Frozen	0.87	Heated	18.75
March	Natural	1.54	Heated	23.65
April	Heated	4.47	Heated	21.45
May	Heated	11.75	Heated	21.72
June	Heated	13.38	Heated	20.86
July	Heated	14.54	Heated	20.73
August	Heated	13.26	Heated	20.40
September	Heated	10.15	Heated	19.08
October	Heated	3.44	Heated	18.64
November	Natural	0.59	Heated	19.14
December	Frozen	0.28	Heated	20.29
TOTAL		74.7 inches 6.22 ac-ft/acre		242.4 inches 20.20 ac-ft/acre

EVAPORATIVE LOSS IN HEATED OUTDOOR POOL - PROPOSED CONDITIONS, MONTHLY ESTIMATED POND TEMP

Four applicable methods as compiled by Helfrich et al. (1982), reported and discussed in Bras (1990)
 CGB 3/14/2016

Meteorological data from Stanley, ID NWS or KSNT stations

Pond temperature from pond energy balance model by C. G. Brockway

a 2500 J/g

b 2,386 J/g-C

rho 1.00E+06 g/m^3

a,b are coeffs in Le equation:
 Le = a - bT
 rho = density of water
 es = saturation vapor pressure at pond surface temperature
 ea = vapor pressure of ambient air

Month	Days	Avg air temp [C]	Avg RH (%)	Avg Wind [m/s]	Pond avg sfc temp [F]	Le [J/g]	es (mb)	ea (mb)
January	31	-10.7	76.6	1.04	12.6	-10.8	2.7	2.1
February	28	-8.5	70.2	1.46	24.0	-4.5	4.4	2.3
March	31	-3.7	68.1	1.88	42.6	5.9	9.3	3.2
April	30	1.4	63.2	1.74	60.1	15.6	17.8	4.3
May	31	6.4	60.8	1.76	83.8	28.8	39.5	5.9
June	30	10.3	54.8	1.78	88.6	31.4	46.0	6.9
July	31	13.9	48.2	1.71	91.1	32.9	49.9	7.7
August	31	13.0	47.9	1.63	89.0	31.7	46.6	7.2
September	30	8.8	53.4	1.48	83.4	28.6	39.0	6.0
October	31	3.7	65.8	1.30	58.9	14.9	17.0	5.2
November	30	-3.6	74.2	1.38	36.6	2.6	7.4	3.5
December	31	-10.7	76.9	1.39	16.8	-8.4	3.2	2.1

Kohter (1954)				Meyer (1942)				Brady et al. (1969)				Ryan and Harleman (1973)			
Month	Qe [W/m^2]	E [m/s]	[in]	Qe [W/m^2]	E [m/s]	[in]	Qe [W/m^2]	E [m/s]	[in]	Qe [W/m^2]	E [m/s]	[in]	Qe [W/m^2]	E [m/s]	Average [in]
January	2.4	9.43E-10	0.00	6.2	2.47E-09	0.01	4.5	1.80E-09	0.01	0.26	1.80E-09	0.01	2.0	7.80E-10	0.08
February	11.7	4.66E-09	0.02	23.7	9.45E-09	0.03	17.0	6.76E-09	0.02	0.90	6.76E-09	0.02	9.7	3.85E-09	0.37
March	43.4	1.74E-08	0.06	73.9	2.97E-08	0.10	53.0	2.13E-08	0.07	3.14	2.13E-08	0.07	35.9	1.44E-08	1.52
April	88.0	3.57E-08	0.12	158.1	6.42E-08	0.22	113.0	4.59E-08	0.16	6.55	4.59E-08	0.16	72.7	2.95E-08	3.01
May	221.6	9.12E-08	0.31	395.9	1.63E-07	0.55	283.1	1.16E-07	0.40	17.17	1.16E-07	0.40	183.2	7.54E-08	7.95
June	261.6	1.08E-07	0.37	462.8	1.91E-07	0.65	331.1	1.37E-07	0.46	19.47	1.37E-07	0.46	216.3	8.92E-08	9.10
July	269.8	1.11E-07	0.38	491.6	2.03E-07	0.69	351.3	1.45E-07	0.49	21.41	1.45E-07	0.49	223.1	9.21E-08	9.71
August	241.8	9.97E-08	0.34	453.5	1.87E-07	0.64	323.9	1.34E-07	0.45	19.73	1.34E-07	0.45	199.9	8.25E-08	8.69
September	183.7	7.55E-08	0.26	368.4	1.52E-07	0.52	263.3	1.08E-07	0.37	15.46	1.08E-07	0.37	151.9	6.24E-08	6.37
October	57.2	2.32E-08	0.08	126.4	5.13E-08	0.17	90.8	3.68E-08	0.13	5.41	3.68E-08	0.13	47.3	1.92E-08	2.02
November	20.1	8.07E-09	0.03	42.5	1.71E-08	0.06	30.5	1.22E-08	0.04	1.74	1.22E-08	0.04	16.6	6.67E-09	0.68
December	6.0	2.39E-09	0.01	12.7	5.03E-09	0.02	9.1	3.60E-09	0.01	0.53	3.60E-09	0.01	5.0	1.98E-09	0.21
	Total		60.15	Total		111.77	Total		Total	79.92	Total	49.72	Total		75.39

Average evaporation from the four methods:

75.4 inches

May - September
 October - April

63.08
 12.31

EVAPORATIVE LOSS IN HEATED OUTDOOR SOAKING POOLS - PROPOSED CONDITIONS, FULL-YEAR POOL HEATING

Four applicable methods as compiled by Helfrich et al. (1982), reported and discussed in Bras (1990)
CGB 3/14/2016

Meteorological data from Stanley, ID NWS or KSNT stations

Pond temperature from pond energy balance model by C. G. Brockway

a 2500 J/g

b 2.386 J/g-C

rho 1.00E+06 g/m^3

a,b are coeffs in Le equation:

Le = a - bT

rho = density of water

es = saturation vapor pressure at pond surface temperature
ea = vapor pressure of ambient air

Month	Days	Avg air temp [C]	Avg RH (%)	Avg Wind (m/s)	Pond avg sfc temp [F]	Le [J/g]	es (mb)	ea (mb)
January	31	-10.7	76.6	1.04	101.0	38.3	67.5	2.1
February	28	-8.5	70.2	1.46	101.0	38.3	67.5	2.3
March	31	-3.7	68.1	1.88	101.0	38.3	67.5	3.2
April	30	1.4	63.2	1.74	101.0	38.3	67.5	4.3
May	31	6.4	60.8	1.76	101.0	38.3	67.5	5.9
June	30	10.3	54.8	1.78	101.0	38.3	67.5	6.9
July	31	13.9	48.2	1.71	101.0	38.3	67.5	7.7
August	31	13.0	47.9	1.63	101.0	38.3	67.5	7.2
September	30	8.8	53.4	1.48	101.0	38.3	67.5	6.0
October	31	3.7	65.8	1.30	101.0	38.3	67.5	5.2
November	30	-3.6	74.2	1.38	101.0	38.3	67.5	3.5
December	31	-10.7	76.9	1.39	101.0	38.3	67.5	2.1

Kohler (1954)				Meyer (1942)				Brady et al. (1969)				Ryan and Harleman (1973)			
Month	Qe [W/m^2]	E [m/s]	[in]	Qe [W/m^2]	E [m/s]	[in]	Qe [W/m^2]	E [m/s]	[in]	Qe [W/m^2]	E [m/s]	[in]	Qe [W/m^2]	E [m/s]	Average [in]
January	254.8	1.06E-07	0.36	666.3	2.77E-07	0.94	29.17	2.02E-07	0.69	486.0	2.02E-07	0.69	210.7	8.75E-08	9.22
February	357.3	1.48E-07	0.50	725.0	3.01E-07	1.02	28.67	2.15E-07	0.73	518.3	2.15E-07	0.73	295.4	1.23E-07	11.68
March	454.5	1.89E-07	0.64	774.8	3.22E-07	1.09	33.92	2.31E-07	0.78	555.7	2.31E-07	0.78	375.7	1.56E-07	16.45
April	412.5	1.71E-07	0.58	741.4	3.08E-07	1.05	31.41	2.20E-07	0.75	530.0	2.20E-07	0.75	341.0	1.42E-07	21.45
May	405.9	1.69E-07	0.57	725.0	3.01E-07	1.02	31.74	2.15E-07	0.73	518.4	2.15E-07	0.73	335.5	1.39E-07	21.72
June	405.1	1.68E-07	0.57	716.5	2.97E-07	1.01	30.36	2.13E-07	0.72	512.6	2.13E-07	0.72	334.9	1.39E-07	20.86
July	382.5	1.59E-07	0.54	696.9	2.89E-07	0.98	30.51	2.07E-07	0.70	497.9	2.07E-07	0.70	316.2	1.31E-07	20.73
August	369.8	1.54E-07	0.52	693.5	2.88E-07	0.98	30.36	2.06E-07	0.70	495.2	2.06E-07	0.70	305.7	1.27E-07	20.40
September	342.1	1.42E-07	0.48	686.2	2.85E-07	0.97	29.07	2.04E-07	0.69	490.4	2.04E-07	0.69	282.8	1.17E-07	19.08
October	302.7	1.26E-07	0.43	669.4	2.78E-07	0.95	29.31	2.00E-07	0.68	480.9	2.00E-07	0.68	250.3	1.04E-07	10.96
November	331.5	1.38E-07	0.47	700.3	2.91E-07	0.99	29.67	2.08E-07	0.71	501.6	2.08E-07	0.71	274.0	1.14E-07	19.14
December	341.1	1.42E-07	0.48	716.9	2.98E-07	1.01	31.39	2.13E-07	0.72	513.3	2.13E-07	0.72	282.0	1.17E-07	20.29
			Total	187.26		Total	365.59		Total		Total	262.01		Total	154.80
															242.42

Average evaporation from the four methods:

242.4 inches

May - September 102.79
October - April 139.62

Idaho Department of Water Resources

WMIS

Water Management Information System



Quick Search:

[For assistance, email](#)[WMIS Info](#)

Search Method:	Reporting District	▼
Reporting District:	Water District 71	▼
WMIS Number:	1001945	▼
Legal Description:	08N 14E 27 SE NW SE	▼
Metal Tag Number:		▼

You are logged in as cyenter

Point Of Diversion	PCC	Flow Meter	Time Clock	Alternate	Contacts	Data Summary
Other	Logout					

Data Summary

You are viewing 1001945

Report Year	Alternate	FM	PCC	Time Clock
2015		128.60		

TRANSFER 80786

251



**CERTIFICATE OF ORGANIZATION
LIMITED LIABILITY COMPANY**

(Instructions on back of application)

FILED EFFECTIVE

2014 JUL 18 PM 1:25

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:
NIRVANA SPRINGS, LLC
2. The complete street and mailing addresses of the initial designated office:
1114 State Street #310 Santa Barbara, CA 93101
(Street Address)
SAME
(Mailing Address, if different than street address)
physical address of property: 3000 Valley Road, Stanley, ID 83278
3. The name and complete street address of the registered agent:
Margaret Hecht 13490 Hwy 75, Ketchum ID 83340
(Name) (Street Address)
4. The name and address of at least one member or manager of the limited liability company:

<u>Name</u>	<u>Address</u>
<u>Margaret Hecht</u>	<u>13490 Hwy 75, Ketchum, ID 83340</u>
_____	_____
_____	_____
_____	_____
_____	_____
5. Mailing address for future correspondence (annual report notices):
1114 State Street #310, Santa Barbara, CA 93101
6. Future effective date of filing (optional): n/a (should be effective ASAP)

Signature of a manager, member or authorized person.

Signature Margaret A. Hecht
Typed Name: Margaret Hecht

Signature _____
Typed Name: _____

Secretary of State use only

IDAHO SECRETARY OF STATE
07/18/2014 05:00
CK:2069598 CT:172099 BH:1433829
1@ 100.00 = 100.00 ORGAN LLC #2
1@ 20.00 = 20.00 EXPEDITE C #3

W/40/02

MAR 21 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION**Narrative and Mitigation Plan for Water Right Permit and Transfer Applications
Nirvana Springs LLC**

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

March 18, 2016

Overview

The applicant, Nirvana Springs LLC ("LLC"), is the owner of water rights 71-2078 and 71-10020 appurtenant to property owned by the LLC in T.8N R.14E Sections 27 and 34 in Custer County, ID. Irrigation water right 71-2078 authorizes the diversion of 2.89 cfs from two points of diversion from Warm Creek for the irrigation of 52 acres from 5/1 through 10/31 annually. The fifty two acre place of use on the property was most recently irrigated in 2015. Domestic water right 71-10020 authorizes the year round diversion of 0.04 cfs from a Hot Springs on the property for domestic use which is tributary to Warm Creek.

Improvements to the property in the form of a new residence and two new cabins necessitate filing the attached four water right permits which seek to authorize beneficial uses associated with the residences as well as authorize a proposed irrigation management pond. Additionally, the attached water right transfer application seeks to mitigate for consumptive uses associated with the permits while correcting a point of diversion and creating a permissible place of use for irrigation water right 71-2078. Even though IDWR considers Basin 71 to be open for new water right appropriations, all new proposed consumptive uses associated with the four water right permits will be mitigated by drying up acreage associated with 71-2078; no new consumptive use is sought to be appropriated under the applications listed below.

Water Right Permit No. 1

The first of four water right permits seeks to authorize the year round diversion of 0.06 cfs for each domestic and recreation uses (0.12 cfs total) from a new domestic well on the property. The maximum peak demand of the planned residences necessitates a discharge rate of 0.06 cfs. Soaking pools associated with the residences are proposed and require cooling from the domestic well at a rate of 0.06 cfs as the temperature of the Hot Spring water is approximately 112 °F year round and the soaking pools need to be cooled for recreation use. After being run through the soaking pools, the water will be returned to Warm Creek and return flows from the cold water well are anticipated to have a cooling effect on existing in-stream Warm Creek temperatures.

The diversion from the well for recreation uses is considered to be non-consumptive. The domestic well will be drilled into the shallow alluvial aquifer which intersects the ground surface on the property to the west of the well location. The shallow aquifer currently introduces water into Warm Creek. Similar to the ground water input to the creek, running the domestic well water through the soaking pools returns water back to Warm Creek in the same manner.

The anticipated daily volume for both the domestic and recreation uses exceeds 13,000 gallons per day and therefore a new water right permit is being sought. Evaporation and the associated mitigation requirement linked to the proposed soaking pools will be accounted for and is explained under permit number four below. Mitigation is not required for this particular water right permit.

Water Right Permit No. 2

The second of four water right permits seeks to authorize year round recreation, aesthetic and wildlife storage associated with 3.1 acre-feet of naturally occurring ground water as the result of the excavation into the water table within the proposed pond. The pond, which will also be used for irrigation management, will be un-lined and will have a surface area of 0.44 acres; all but the top foot of the pond is anticipated to fill at the time of excavation. Depth to ground water measurements made during 2015 in fifteen piezometers on the property were used to estimate the amount of volume contributed to the pond by natural ground water at the time when the pond is constructed. The remaining top foot (0.44 acre-feet) of storage as well as a flow through discharge component will be provided by Warm Creek water described under a third water right permit. Surface evaporation and the associated mitigation requirement linked to the proposed pond is explained below. Because this second permit seeks to only permit naturally occurring ground water as a result of a dug pond and seepage will not occur as a result of the construction of the pond, no mitigation is required for this water right permit.

Water Right Permit No. 3

The third of four water right permits seeks to authorize 0.44 acre-feet of year round recreation, aesthetic and wildlife storage in the proposed pond from Warm Creek. This is the portion of the pond that will not naturally fill with ground water. This is the same pond as described in permit number two and a portion of 71-2078 will be diverted from the pond for irrigation use on the property. The pond is proposed to be filled from 4/1 through 10/31 annually using a maximum of 0.30 cfs of Warm Creek water (diversion to storage, recreation, aesthetic and wildlife uses). Two attached supplement applications sheets have also been attached; season of use period of use and a POD-POU sheet. The two points of diversions to fill the pond will be off of Warm Creek.

Evaporative losses from this pond are higher than those associated with typical shallow cold-water ponds due to the high temperature of the water that is diverted from Warm Creek into the pond. Therefore, special evaporative loss calculations for the pond were

required and performed by Brockway Engineering. Monthly evaporative losses were estimated using four different energy-based equations reported in the literature (Kohler, 1954; Meyer, 1942; Brady et al., 1969; and Ryan and Harleman, 1973). Meteorologic data used for these calculations represents monthly average values at the Stanley NWS station (temperature) or the Stanley airport KSNT station (wind speed and relative humidity). The average monthly pond water temperature is the calculated temperature that can be maintained with an input to the pond of 0.20 cfs at 109°F (source temperature of 112°F less temperature losses in the conveyance to the pond). Because the pond will be filled with Warm Creek water from 4/1 through 10/31, the evaporation loss of a heated pond was calculated only for these months. Evaporative loss values for the months of November through March, when Warm Creek is not proposed to be diverted into the pond, were taken from Allen and Robison¹ for open water shallow systems using monthly mean actual evapotranspiration values for the Stanley NWS station. The combination of these two approaches yielded an annual evaporation of 6.22 ft. Calculations are attached.

The surface area of the proposed pond is 0.44 acres and the proposed average depth is 8 ft. Therefore, the total volume of the pond is approximately 3.5 acre-feet. At an evaporation of 6.22 ft per year, the pond's consumptive use associated with evaporation is $0.44 \text{ ac} \times 6.22 \text{ ft} = 2.74 \text{ ac-ft}$. Grass pasture, low management has historically been grown in association with 71-2078. Per Allen and Robison, the annual P_{def} value for grass pasture, low management taken from the Stanley NWS weather station is 290 mm or 0.95 ft. In order to mitigate for 2.47 acre-feet of annual evaporative loss from the pond, $2.74 \text{ acre-feet} / 0.95 \text{ ft} = 2.9 \text{ acres}$ will permanently be dried up under 71-2078. This area has been identified on an accompanying map.

The 0.44 acre-feet of pond storage identified in the third water right permit requires a one year, first fill mitigation component. In order to mitigate for 0.44 acre-feet of the supplemental first fill pond volume, $0.44 \text{ acre-feet} / 0.95 \text{ ft} = 0.5 \text{ acres}$ of a one-time, one season dry up is required. This area has been identified on an accompanying map.

Seepage from the pond will occur whenever the water level is raised above the natural groundwater level. Because the groundwater and surface water are the same resource and extremely closely interconnected as described above, seepage is considered to be non-consumptive for this water right permit.

Water Right Permit No. 4

The fourth water right permit includes the volume of the soaking pools and a discharge rate to maintain them, in addition to a discharge rate for heating the residences from the Hot Springs. An existing concrete box encompasses the main spring on the property; this is the location where 71-10020 is diverted. The fourth application proposes to divert 0.22 cfs into a pipe directly from the spring box into 0.10 acre-feet of proposed soaking pools

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

for year-round recreation and recreation storage uses. Cold water from a domestic well identified in the first permit application will be mixed with the hot springs water in the proposed soaking pools. The pools will be lined and will return water back to Warm Creek approximately 300 ft downstream of where the existing Hot Springs would overflow into Warm Creek.

Because the soaking pools will have an average year round design temperature of 101 °F, the monthly evaporative losses associated with the soaking pools were calculated using the same average of four methods procedure as described in permit number three. At a total surface area of 788 ft² or 0.018 acres, the annual evaporation of the soaking pools was estimated at 20.2 feet. Note that this evaporation is much higher than the main pond evaporation, because the soaking pools will be maintained at a very high temperature every day of the year. This equates to annual evaporative loss of 0.37 acre-feet from the soaking pools. In order to mitigate for this annual evaporative loss, 0.37 acre-feet / 0.95 feet = 0.4 acres will need to be permanently dried up. The location of the area to permanently be dried up in association with this permit is shown on the attached map.

The total volume of the soaking pools is estimated to be 2,220 ft³ or 0.05 acre feet. At this volume, 0.05 acre-feet / 0.95 ft = 0.05 acres of grass pasture will need to be dried up during 2016 for the first fill of these soaking pools. Because the soaking pools will be constructed and lined with concrete, there will be no seepage.

Water Right Transfer Application

The proposed water right transfer is intended to accomplish two objectives: the first is to create a permissible place of use around the property while correcting the location of a point of diversion to the proposed pond, the second is to change the nature of use of a portion of 71-2078 to recreation, aesthetics and wildlife to account for the consumptive uses associated with permit numbers 3 and 4. It is our understanding that if a PPU and an additional POD were not contemplated, IDWR may be able to change 71-2078 without a transfer to account for mitigation proposed under the four water right permit applications. However, because we are proposing to change the POU and POD associated with 71-2078, while at the same time mitigating for consumptive uses associated with permits 3 and 4, a water right transfer application has been submitted.

Under permits 3 and 4, the total area requiring to be dried up for the 2016 irrigation season only is $0.5 + 0.05 = 0.55$ acres. Under the same permits, the total area requiring to be permanently dried up to account for evaporative losses is $2.9 + 0.4$ acres = 3.3 acres. Therefore, 6.3% ($3.3 \text{ acres} / 52 \text{ acres} = 6.3\%$ of 71-2078) of the flow rate associated with the irrigation use described under 71-2078 is proposed to be changed to recreation, aesthetic and wildlife uses to mitigate for the total consumptive use associated with the project. The flow rate proposed to be changed to these uses on the transfer application is $0.063 * 2.89 \text{ cfs} = 0.18 \text{ cfs}$. $2.89 \text{ cfs} - 0.18 \text{ cfs} = 2.71 \text{ cfs}$ and 48.7 acres will remain associated with the irrigation use under 71-2078 after the proposed water right transfer is

approved. Irrigation during 2016 will likely not occur due to construction activities and all of 71-2078 is proposed to be leased to the Water Supply Bank during this time.

Permitting the pond, soaking pools and other uses described in these applications are consistent with the public interest, and will not result in an expansion in consumptive use or injury to any existing water right holders. They are therefore approvable by IDWR.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 15, 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

RE: Application For Permit No. 71-10954, 71-10955, 71-10956, 71-10957

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the **CHALLIS MESSENGER** on **4/21/2016** and **4/28/2016**. Protests to the application may be submitted for a period ending ten (10) days after the second publication (**May 9, 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 permit &/or approved transfer.

Please contact this office if you have any questions regarding these applications.

Sincerely,

Denise Maline
Administrative Assistant

cc:

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



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

April 15, 2016

WATER DISTRICT #71
C/O CINDY YENTER
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

Via hand-delivery

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

RE: Application For Permit No. 71-10954, 71-10955, 71-10956, 71-10957

Dear Cindy:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, April 14, 2016 4:17 PM
To: Challis Messenger
Subject: LEGAL NOTICE
Attachments: Challis Messenger cover letter.docx; Challis Messenger Ad.doc

Attached please find (1) legal notice being submitted for publication on April 21st & 28th, 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*



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

April 14, 2016

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

RE: Application For Permit No.(s): 71-10954, 71-10955, 71-10956, 71-10957

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

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 May 9, 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:

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.

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 STORAGE, WILDLIFE STORAGE

T08N R14E S27 NWSE

Application for permit proposes the appropriation of ground water associated with an excavated 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 proposed to be mitigated by converting irrigation acres to use(s) associated with the pond via companion transfer application # 80786.

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.

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 STORAGE 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, RECREATION, RECREATION STORAGE, WILDLIFE, WILDLIFE STORAGE

T08N R14E S27 NWSE

Application for permit proposes the appropriation of water from Warm Creek for uses associated with the upper portion of an excavated pond for recreation, aesthetic and wildlife uses. Note that this is the same pond described in companion application for permit 71-10955. Consumptive use(s) associated with this application are proposed to be mitigated by fallowing irrigated acres for a season and converting irrigation acres to use(s) associated with the pond via companion transfer application # 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 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.

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 STORAGE 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 proposes the appropriation of water from hot springs for use of water in two proposed soaking pools and for heating of four residences. Note that this is the same soaking pools and residences described in companion application for permit 71-10954. Consumptive use(s) associated with this application are proposed to be mitigated by fallowing irrigated acres for a season and converting irrigation acres to use(s) associated with the pond via companion transfer application # 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 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.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 80786

NIRVANA SPRINGS LLC, C/O HECHT FAMILY OFFICE, 1114 STATE ST STE 310, SANTA BARBARA, CA 93101; has filed Application No. 80786 for changes to the following water rights within CUSTER County(s): Right No(s). 71-2078. The purpose of the transfer is to change a portion of the above rights as follows: 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. 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 property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx . For additional information on new permits, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings. 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 May 9, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on April 21st & 28th, 2016

Mills, William

From: Zach Latham [zach.latham@brockwayeng.com]
Sent: Wednesday, April 13, 2016 10:07 AM
To: Mills, William
Subject: RE: Updated page 3 for Nirvana Springs transfer?

Bill-

I think your shapes on the attached map look good, I believe they agree with the maps we included with the submittal package.

Regarding your question below, yes, we are merely correcting the locations of the two existing points of diversion for 71-2078, so no new points of diversion are proposed to be added in this transfer application.

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

Zach Latham

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

zach.latham@brockwayeng.com

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

From: Mills, William [mailto:William.Mills@idwr.idaho.gov]
Sent: Wednesday, April 13, 2016 8:11 AM
To: Zach Latham
Subject: RE: Updated page 3 for Nirvana Springs transfer?

Zach,

I had to take some liberty with the mitigation shape as the placement overlapped the new PPU. Attached is a map of showing all of the uses and POD's...let me know if it works.

One more tiny little detail, the box for Add Diversion Point(s) is checked on page 2 Part 1A(1). The transfer is merely correcting the locations in ArcMap the transfer isn't actually adding any points of diversion. Could you please send me an email to verify that no PODs are actually being added in this transfer?

Thanks,
Bill

From: Zach Latham [mailto:zach.latham@brockwayeng.com]
Sent: Tuesday, April 12, 2016 4:49 PM
To: Mills, William
Subject: RE: Updated page 3 for Nirvana Springs transfer?

Bill-

Here is the updated map for Permit #4 showing the 0.4 acres to permanently be dried up. I may have to ask you to recreate the shape if that's ok with you. Let me know if otherwise, thanks again.

Zach Latham

Hydrologist

Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
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zach.latham@brockwayeng.com

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

From: Zach Latham [<mailto:zach.latham@brockwayeng.com>]
Sent: Tuesday, April 12, 2016 3:43 PM
To: 'Mills, William'
Subject: RE: Updated page 3 for Nirvana Springs transfer?

Thanks Bill,
I'll give the office a call and get that Permit #4 map to you ASAP.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
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c.208-721-2114
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zach.latham@brockwayeng.com

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

From: Mills, William [<mailto:William.Mills@idwr.idaho.gov>]
Sent: Tuesday, April 12, 2016 3:38 PM
To: Zach Latham
Subject: RE: Updated page 3 for Nirvana Springs transfer?

Thanks Zach! I think that works.
Jana and Corey both mentioned they need to visit with you too.

From: Zach Latham [<mailto:zach.latham@brockwayeng.com>]
Sent: Tuesday, April 12, 2016 3:21 PM
To: Mills, William
Subject: RE: Updated page 3 for Nirvana Springs transfer?

Bill-
Thanks, here is the correct version with 2.7 AF and the uses described in the POU section, thanks.

Zach Latham

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Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
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f. 208-736-8506

zach.latham@brockwayeng.com

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From: Zach Latham [<mailto:zach.latham@brockwayeng.com>]

Sent: Tuesday, April 12, 2016 2:46 PM

To: 'Mills, William'

Subject: RE: Updated page 3 for Nirvana Springs transfer?

Bill-

Thanks for clarifying the uses for the amended Nirvana Springs LLC transfer application. The amended page 3 is attached. Please let me know if we need to make any other changes before it moves to advertising, thanks.

Zach Latham

Hydrologist

Brockway Engineering, P.L.L.C.

2016 Washington Street North, Suite 4

Twin Falls, ID 83301

t. 208-736-8543

c.208-721-2114

f. 208-736-8506

zach.latham@brockwayeng.com

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

From: Mills, William [<mailto:William.Mills@idwr.idaho.gov>]

Sent: Friday, April 08, 2016 8:54 AM

To: Zach Latham

Subject: Updated page 3 for Nirvana Springs transfer?

Zach,

Any progress on the updated page 3 for the transfer and the updated map for permit 4?

Thanks,

Bill

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7497 / Virus Database: 4545/11981 - Release Date: 04/07/16

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7497 / Virus Database: 4545/12007 - Release Date: 04/10/16

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7497 / Virus Database: 4545/12007 - Release Date: 04/10/16

MEMORANDUM

Date: April 7, 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 will be solicited.

- **Authority to File:** IDWR records indicate the applicant is the current owner of all water right in this transfer.
- **Water Right Validity:** Water rights 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

MEMORANDUM

Date: April 7, 2016
To: Transfer 80786
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #80786 were based on the on the current transfer fee schedule and included \$660.00 for the 2.89 cfs being transferred in the application and \$250.00 for the proposed change in nature of use. (Receipt No.S035342).

Mills, William

From: Zach Latham [zach.latham@brockwayeng.com]
Sent: Monday, April 04, 2016 4:06 PM
To: Mills, William
Cc: Skinner, Corey; charles.g.brockway@brockwayeng.com
Subject: Nirvana Springs LLC Meeting Follow Up
Attachments: No. 5 Warm Creek Transfer Application Amended Pg 3 Only 4-4-16.pdf

Bill-

Thanks for the meeting this morning to clarify the Nirvana Springs LLC permit and transfer applications. This email serves to further clarify the applications and answers questions raised at the meeting so that processing can continue.

1. Attached is the revised third page of the water right transfer application which is meant to supersede our original page 3. The revised page adds 3.1 ac-ft of aesthetic, wildlife and recreation storage and diversion to storage uses, it removed the W, R, J uses. The 3.1 ac-ft of storage is intended to describe the portion of 71-2078 that will be used to offset new uses in the pond and soaking pools described in the permit applications. The total area to be dried up to account for new consumption associated with the permits is 3.3 acres, 3.3 acres x 0.95 acre-feet per acre of grass pasture, low management (Stanley NWS, Pdef value) = 3.1 ac-feet of volume.
2. We will be supplying the condition 206 map showing the location of the 48.7 acres of irrigation within the proposed PPU.
3. Irrigation on the property will likely be diverted from the proposed pond and applied to the property via a buried pressurized irrigation system.
4. The domestic use associated Permit #1 is associated with four residences, one main house, two guest cabins and a caretaker's apartment connected to a barn. Irrigation in conjunction with the domestic use under this permit should be limited to the exempt 0.5 acres. There are two existing wells on the property, one serves the existing residence with potable domestic water, and the other is hooked up to 3 frost free hose bibs. Both wells will be abandoned when a new domestic well is drilled to supply water to the new residences and soaking pools.
5. We amended the storage volume listed in Permit #2 from 3.1 ac-ft to 3.7 ac-ft. This increase was done at your recommendation to account for the evaporation within the pond due to ground water if for some reason Warm Creek water doesn't enter the pond. The 0.6 ac-ft of evaporation was derived from the 0.44 acre surface area of the pond and the Stanley NWS stations Pdef value for open water, shallow systems of 1.31 ft. 0.44 acres x 1.31 ft = 0.6 ac-ft of evaporation from the pond if it were only filled with ground water for a year.
6. With regards to Permit #4, the PLS location of the Hot Spring source should be T.08N R.14E SECTION 27 SE ¼ NW ¼ SE ¼. We did not provide the 10 acre location for the spring and in our meeting today we decided it was located here.

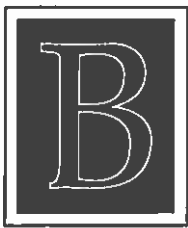
If you need any further clarification or information regarding these applications, please don't hesitate to email or call, thanks again for your time.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
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BROCKWAY
ENGINEERING
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Hydraulics

Hydrology

Water Resources

RECEIVED

MAR 21 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

March 18th, 2016

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

RE: (4) Applications for Permit and (1) Application for Transfer of Water
Right - Nirvana Springs LLC

Dear Allen,

Enclosed are four Applications for Permit and one Application for Transfer of Water Right filed on behalf of Nirvana Springs LLC. The four permit applications seek to permit uses associated with a proposed pond as well as soaking pools, domestic use, and heating associated with the construction of residences on the property. The water right transfer involving irrigation water right 71-2078 seeks to correct a point of diversion location and create a permissible place of use while mitigating for consumptive use associated with two of the four water right permit applications.

Although Basin 71 is open for new water right appropriations, the applicant has decided to mitigate for the proposed consumptive use associated with permit numbers three and four by permanently drying up 3.3 acres of 71-2078. Please see the attached permit and transfer narrative and mitigation plan, associated permit volume and evaporation calculations sheets and permit and transfer maps for details.

Also enclosed is a check for \$1,610 to cover the cost of the water right permit and transfer applications and a table summarizing the application fees. Please copy our office on all correspondence regarding the enclosed water right permit and transfer applications. Don't hesitate to give me a call should you have any further questions or comments. Thanks for your time and assistance on this matter.

Regards,

Sheila Daniels on behalf of

Zach Latham, M.S., Hydrologist.

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Enclosures:

- (1) Permit App #1, POU/POD Map.
- (1) Permit App #2, POU/POD Map.
- (1) Permit App #3, Season of Use/Nature of Use Supplement, POD/POU Supplement, Map.
- (1) Permit App #4, POU/POD Map.
- (1) Soaking Pools Volume Calculations Sheet.
- (3) Pond and Soaking Pools Evaporative Loss Calculations Sheets.
- (1) Water Right Transfer Application, Part 2A, POU/POD Map.
- (1) Permits Narrative and Mitigation Plan.
- (1) Fee Summary Table.
- (1) Brockway Engineering PLLC Check # 13265

Cc: Nirvana Springs LLC c/o Hecht Family Office

NIRVANA SPRINGS LLC

Permit and Transfer Fee Calcs

Brockway Engineering

ZL- 3/17/16

App:	Flow Rate (cfs):	Volume (ac-ft):	Fee Basis:	Fee:
Permit 1	0.12	--	cfs	\$ 100.00
Permit 2	--	3.1	ac-ft	\$ 100.00
Permit 3	0.30	0.44	cfs	\$ 250.00
Permit 4	0.32	0.1	cfs	\$ 250.00
Transfer	2.89	--	cfs	\$ 660.00
Transfer change in nature of use:			fixed	\$ 250.00
				\$ 1,610.00