

RECEIVED

Rev. 01/15

DEC 28 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 80612

MINIMUM 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) Heatherlands Homeowners Assn Inc

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

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

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

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

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

RECEIVED

DEC 28 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Heatherlands Homeowners Assn Inc Phone (208) 726-3858

Mailing address P.O. Box 3901, Ketchum, ID 83340-3901 Email _____

- 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 Charles G. Brockway Phone (208) 736-8543

Mailing address 2016 Washington St N, Ste 4, Twin Falls, ID 83301 Email _____

- 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.

Janet Wygle
Signature of Applicant or Authorized Representative

Janet Wygle
Print Name and Title if applicable

12/9/15
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.

Slightly modify place of use to agree with actual usage.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part <input checked="" type="checkbox"/> <input type="checkbox"/>	37-159B	0.60/105	Irrigation	4/15 to 10/15	Groundwater
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	

Total authorized under rights 0.60 cfs and/or 105 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.60 cubic feet per second and/or 105 acre-feet per year.

3. Point(s) of Diversion:

- No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	18E	17							5.5		2.2	4.6		7.9					20.2
3N	18E	20					9.8*												9.8
Total Acres (for irrigation use)																	30.0		

*1.2 acres in the NENW Section 20 are applicable to Lot 116, Block 8 based on T#4649 and subsequent SRBA decree

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:

Two wells and pumps to underground, pressurized irrigation system. Measuring device and lockable valves are in place.

b. Who owns the property at the point(s) of diversion? Various lot owners within the subdivision.

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Recorded well easements are in place and have been in place since the platting of the subdivision.

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:

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:

Permits 37-8220, 37-8831, and 37-8686 are diverted through the same wells and used for in-house and irrigation within the subdivision residential lots.

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:

Conditions of Approval:

1. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
2. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
3. The portion of right no. 37-00159b described as 7.40 cfs has been abandoned through approval of transfer no. 4649.
4. R29 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
5. 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.
6. Diversion of groundwater is limited to those times water is available for diversion under this right and priority from the original source, Big Wood River, East Fork.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department from all authorized points of diversion which will allow determination of the total rate of diversion. The total instantaneous diversion of water from all points of diversion under transfer no. 4649 shall not exceed 0.60 cfs, nor total combined annual volume of 105.0 af.
8. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

Decreed Date: 2/18/2011

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

Current Water Right No.: 37-159B

Current Owner: HEATHERLANDS HOMEOWNERS ASSN INC
Priority Date: 7/30/1888
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

4/15 to 10/15

0.6 CFS

105 AF

Total Diversion

0.6 CFS

105 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4SW1/4

Sec. 17, Twp 03N, Rge 18E B.M.

BLAINE County

GROUND WATER

NW1/4NE1/4

Sec. 20, Twp 03N, Rge 18E B.M.

BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T03N R18E S17	SWNW	7.70	T03N R18E S17	NESW	3.60
T03N R18E S17	NWSW	1.90	T03N R18E S17	SESW	6.70
T03N R18E S20	NWNE	0.40	T03N R18E S20	NENW	9.70

Total Acres: 30



HEATHERLANDS HOA INC
TRANSFER MAP POU 2015
NAIP 2013 AERIAL

Legend

- Proposed POU 37-159B
- Points of Diversion
- HEATHERLANDS
- Sections
- ladesc



No. C 62599	Due no later than Nov 30, 2015 Annual Report Form	2. Registered Agent and Address (NO PO BOX)	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. HEATHERLANDS HOMEOWNERS ASSOCIATION, INC. BOX 3901 KETCHUM ID 83340	LAURA GVOZDAS 675 E SUN VALLEY RD STE I-1 KETCHUM ID 83340	
		3. <u>New</u> Registered Agent Signature:*	
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).			
Office Held	Name	Street or PO Address	City State Country Postal Code
DIRECTOR	TAYT KNOWLES	225 MARIPOSA ROAD	HAILEY ID USA 83333
DIRECTOR	MIKE THOMPSON	PO BOX 2513	KETCHUM ID USA 83340
SECRETARY	BRUCE TIDWELL	230 MARIPOSA ROAD	HAILEY ID USA 83333
TREASURER	KYLE KUNZ	PO BOX 1226	SUN VALLEY ID USA 83353
VICE PRESIDENT	PATTI LOUSEN	242 MARIPOSA RD.	HAILEY ID USA 83333
PRESIDENT	JAN WYGLE	PO BOX 1172	KETCHUM ID USA 83340
DIRECTOR	NANCY GOODENOUGH	P.O. BOX 82	KETCHUM ID USA 83340
5. Organized Under the Laws of: ID C 62599	6. Annual Report must be signed.* Signature: Laura Gvozdas Name (type or print): Laura Gvozdas Date: 09/21/2015 Title: Manager		
Processed 09/21/2015		* Electronically provided signatures are accepted as original signatures.	

Maline, Denise

From: Maline, Denise
Sent: Monday, January 04, 2016 3:40 PM
To: Kevin Lakey (WD 37)
Subject: Comment Letter for transfer 80612
Attachments: Transfer 80612.pdf; Comment Letter to WM37 for 80612.docx

Hi Kevin,

Attached is a copy of transfer 80612, in the name of Heatherlands HOA. Please review the information and provide any necessary comments within 21 days.

Thank you in advance,

Denise @ IDWR

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 4, 2016

KEVIN LAKEY
WATER DISTRICT #37
107 W 1ST
SHOSHONE, ID 83352

Via e-mail

RE: Transfer No. 80612
Water Right No(s). 37-159B

Dear Kevin:

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

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

IDWR's regional offices can finish reviewing an unopposed 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,

A handwritten signature in black ink that reads "Denise Maline". The signature is written in a cursive style.

Denise Maline
Administrative Assistant

Enclosure(s)

MEMORANDUM

Date: January 4, 2016
To: Transfer 80612
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application proposes rearranging acres within the currently authorized place of use (POU) for ground water right 37-159B (0.60 cfs; 105.0 af; 30 acres). Overlap review indicates potential overlap with permit 37-8220, which is conditioned to only allow irrigation in connection with domestic use on residential lots. This water right provides for the irrigation of non-residential common areas only, so there is no actual overlap of irrigation POU's. The two points of diversion (PODs) for this right also provide water under permits 37-8220, 37-8686 (irrigation; domestic; fire protection) and 37-8831 (domestic). The permits are owned by the applicant and are used to provide water to the residential lots within the subdivision.

The PODs and POU for this right are located in Water District 37 and Watermaster comments will be solicited.

This application only modifies acres within the current authorized place of use and there is no actual hydrologic change. Therefore, pursuant to Section 42-222, Idaho Code, this transfer can be processed and approved without advertising.

- **Authority to File:** Applicant is listed as the current owner of the water right. IDWR records indicate that the applicant owns all properties involved in this transfer.
- **Water Right Validity:** Water right 37-159B was decreed in the SRBA on 2/16/2011.
- **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 use is recognized as a beneficial use 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

FEE MEMORANDUM

Date: January 4, 2016
To: Transfer 80612
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #80612 were based on the on the current transfer fee schedule and included \$500.00 for the 0.60 cfs being transferred in the application (Receipt No.S035170).

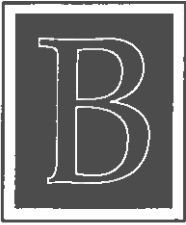
MEMORANDUM

Date: January 4, 2016
To: Transfer 80612
From: William Mills
Re: Legal Notice Not Required

This application only modifies acres within the current authorized place of use and there is no actual hydrologic change. Therefore, the transfer can be processed and approved without advertising.

Legal Notice Not Required
1/4/2016

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.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

DEC 28 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

December 23, 2015

Mr. Allen Merritt
Idaho Department of Water Resources
650 Addison Ave W, Ste 500
Twin Falls, ID 83301-5858


Re: Application for Transfer – Heatherlands

Dear Allen:

Enclosed please find a transfer application for 37-159B in the name of Heatherlands Homeowners Association, Inc. The purpose of the transfer is to modify the place of use slightly so that the recorded acreage agrees with actual usage on the property. No other changes are being proposed.

Due to the insubstantial nature of this change, I would request that the Department waive the advertisement of the application.

Cordially,


Charles G. Brockway, P.E.

Enc. Transfer application
\$500 application fee

cc: Heatherlands HOA c/o Sun Country Management

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