

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 79711

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED

DEC 08 2014

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

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

DEPT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant(s) DEER CREEK RANCH, INC., ATTN JOHN FLYNN Phone 949-720-3400

Mailing address PO BOX 3090, NEWPORT BEACH, CA 92658 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 PAUL L. ARRINGTON Phone 208-733-0700

Mailing address 195 RIVER VISTA PLACE, SUITE 204, TWIN FALLS, ID 83301 Email PLA@IDAHOWATERS.COM

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

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

John Flynn

Signature of Applicant or Authorized Representative

JOHN FLYNN, EVP

Print Name and Title if applicable

12/5/2014

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 CREATE PPU
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 PPU TO MATCH CURRENT IRRIGATION PRACTICES. APPLICANT SEEKS TO ADD 2 POINTS OF DIVERSION TO WATER RIGHT 37-11329.

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 ☒ ☐	37-466	9.77 CFS	IRRIGATION	4/15 to 10/31	DEER CREEK/GW
☒ ☐	37-11329	2.48 CFS	IRRIGATION	4/15 to 10/31	GROUNDWATER
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 9.78 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 9.78 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion: **POINTS OF DIVERSION ADDED TO WATER RIGHT 37-11329 ONLY**

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		NE	SE	SE	30	3N	18E	BLAINE	GROUNDWATER	
		SE	SE	SE	30	3N	18E	BLAINE	GROUNDWATER	

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	17E	25			23.7	23.5			12.1	20.4	27.4	31.2			36.5	33.9			208.7
		26				2.1					11.7		35.2	24.6	37.2	24	11.4		146.2
	18E	29										24.7	15.8						40.5
		30			5.2	8.5			14.6	6.7	39	43.1	1.2	26.4	38.2	38.5	31.5	37.5	290.4
		31	2.6				4.8												7.4
		32						17	4.7										21.7
Total Acres (for irrigation use)																			714.9

LIMITED TO 489 ACRES WITHIN PPU

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 DIVERTED FROM WELLS AND PIPED TO IRRIGATED ACREAGE

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

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

- c. 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:

THE TRANSFER WILL CHANGE TO WATER RIGHTS TO REFLECT CURRENT IRRIGATION PRACTICES

- 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:

WR 37-833J & 37-5 FOR IRR. (IN BANK). WATER RIGHTS 37-5, 37-8836 AND 37-8748
AUTHORIZE POND USE WITHIN THE SAME PPU DESCRIBED ABOVE. IN ADDITION, THERE ARE
SEVERAL STOCKWATER AND DOMESTIC RIGHTS WITHIN THE SAME PPU

- 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:

APPLICANT WILL PLACE PORTIONS OF WATER RIGHTS IN THE WATER SUPPLY BANK - THOUGH,
THEY ARE NOT CURRENTLY IN THE BANK.

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

Current Water Right No.: 37-466

Current Owner: DEER CREEK RANCH INC
Priority Date: 4/1/1880
Origin: Water Right
Status: Active
Basis: Decreed

Source

DEER CREEK
GROUND WATER

Tributary

BIG WOOD RIVER
DEER CREEK

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Total Diversion

Diversion Rate

9.77 CFS

9.77 CFS

Annual Volume

Location of Point(s) of Diversion

GROUND WATER

BLAINE County

NW1/4NE1/4SW1/4

Sec. 30, Twp 03N, Rge 18E B.M.

DEER CREEK

BLAINE County

NE1/4SE1/4SE1/4

Sec. 30, Twp 03N, Rge 18E B.M.

GROUND WATER

BLAINE County

NE1/4NE1/4SE1/4

Sec. 26, Twp 03N, Rge 17E B.M.

GROUND WATER

BLAINE County

SE1/4SE1/4SW1/4

Sec. 30, Twp 03N, Rge 18E B.M.

GROUND WATER

BLAINE County

NE1/4SE1/4SE1/4

Sec. 30, Twp 03N, Rge 18E B.M.

GROUND WATER

BLAINE County

SE1/4SE1/4SE1/4

Sec. 30, Twp 03N, Rge 18E B.M.

Place of Use

Page 6 of _____

IRRIGATION Within BLAINE County

T03N R17E S25		SWNE	21.20	T03N R17E S25		SENE	22.80
T03N R17E S25		SWNW	11.60	T03N R17E S25		SENE	19.90
T03N R17E S25		NESW	26.90	T03N R17E S25		NWSW	30.50
T03N R17E S25		NESE	38.60	T03N R17E S25		NWSE	33.70
T03N R17E S26		SENE	2.00	T03N R17E S26		NESW	11.50
T03N R17E S26		SWSW	35.40	T03N R17E S26		SESW	24.30
T03N R17E S26		NESE	37.00	T03N R17E S26		NWSE	24.50
T03N R17E S26		SWSE	11.40	T03N R18E S29		NWSW	12.20
T03N R18E S29		SWSW	10.90	T03N R18E S30		SWNE	5.40
T03N R18E S30		SENE	12.80	T03N R18E S30	Lot 2	SWNW	12.90
T03N R18E S30		SENE	5.70	T03N R18E S30		NESW	39.60
T03N R18E S30	Lot 3	NWSW	43.70	T03N R18E S30	Lot 4	SWSW	1.50
T03N R18E S30		SESW	27.40	T03N R18E S30		NESE	38.50
T03N R18E S30		NWSE	36.70	T03N R18E S30		SWSE	32.60
T03N R18E S30		SESE	35.70	T03N R18E S31		NENE	0.60
T03N R18E S31		NENW	4.90				

Total Acres: 672.4

Conditions of Approval:

1. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. Any subsequent transfer of the point of diversion described under this right will require the right holder to provide evidence that the new point of diversion has a direct and immediate hydraulic connection to Deer Creek.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. A measuring device or stream gage of a type acceptable to the department and watermaster shall be permanently installed and maintained in Deer Creek within the SESW, S26, T3N, R17E.
5. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. The diversion of up to 9.77 cfs of ground water shall be contingent upon an equivalent amount of water being measured at a point in Deer Creek within the SESW, S26, T3N, R17E.
8. X53 Diversion of groundwater is limited to those times water is available for diversion under this right and priority from Deer Creek.
9. If flows less than 9.77 cfs are measured, the ground water diversions shall be reduced accordingly. Such pumping reductions must be made within 24 hours of the measurement showing reduced flows.
10. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of both ground water and surface water diversions.
11. R62 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
12. X35 Rights 37-466 and 37-11329 when combined shall not exceed a total diversion rate of 9.78 cfs and the irrigation of 489 acres.
13. 206 This right is limited to the irrigation of a specific 489 acres within the 672.4 acre place of use authorized by this right in a single irrigation season. The specific 489 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 489 acres to be irrigated within the 672.4 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the department prior to the irrigation season in which the change will occur.

Decreed Date: 5/13/2009

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

Current Water Right No.: 37-11329

Current Owner: DEER CREEK RANCH INC
Priority Date: 7/21/1956
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	2.48 CFS	500.5 AF
	<u>Total Diversion</u>	2.48 CFS	500.5 AF

Location of Point(s) of Diversion

GROUND WATER
BLAINE County

NE1/4NE1/4SE1/4 Sec. 26, Twp 03N, Rge 17E B.M.

Place of Use

IRRIGATION Within BLAINE County

T03N R17E S25	SWNE	21.00	T03N R17E S25	SENE	21.00
T03N R17E S25	SWNW	11.00	T03N R17E S25	SENE	20.00
T03N R17E S25	NESW	4.80	T03N R17E S25	NWSW	6.60
T03N R17E S25	NESE	25.00	T03N R17E S25	NWSE	10.00
T03N R17E S26	NESE	0.30	T03N R18E S30	SWNW	10.00
T03N R18E S30	SENE	4.80	T03N R18E S30	NESW	39.00
T03N R18E S30	NWSW	31.00	T03N R18E S30	SESW	4.20
T03N R18E S30	NESE	0.90	T03N R18E S30	NWSE	25.00
T03N R18E S30	SWSE	0.50			

Total Acres: 235.1

Conditions of Approval:

1. E52 The rights listed below are limited to a total combined diversion rate of 9.78 cfs.
Combined Right Nos.: 37-466 and 37-11329
2. E56 The rights listed below are limited to the irrigation of a combined total of 489 acres in a single irrigation season. Combined Right Nos.: 37-466 and 37-11329.
3. 065 The right holder shall make full beneficial use of right 37-466 prior to diversion and use under this right. The right holder shall limit the diversion of ground water under this right to those times when right 37-466 is not available or is not reasonably sufficient to irrigate the place of use authorized under this right.
4. This right when combined with other rights shall provide no more than 0.02 cfs per acre.
5. K06 This right is limited to the irrigation of 143 acres within the place of use described above in a single irrigation season.
6. 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.
7. 104 If right 37-466 appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

Decreed Date: 5/13/2009

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

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

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

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

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

B. CHANGES IN NATURE OF USE (Water Balance)

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

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

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

[illegible]

FOR DEPARTMENT USE ONLY

Transfer contains 10 pages and 4 attachments.

Received by DM Date 12.8.2014 Preliminary check by _____ Date _____

Fee paid \$1,220- Date 12.8.2014 Received by DM Receipt # 5034437

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

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

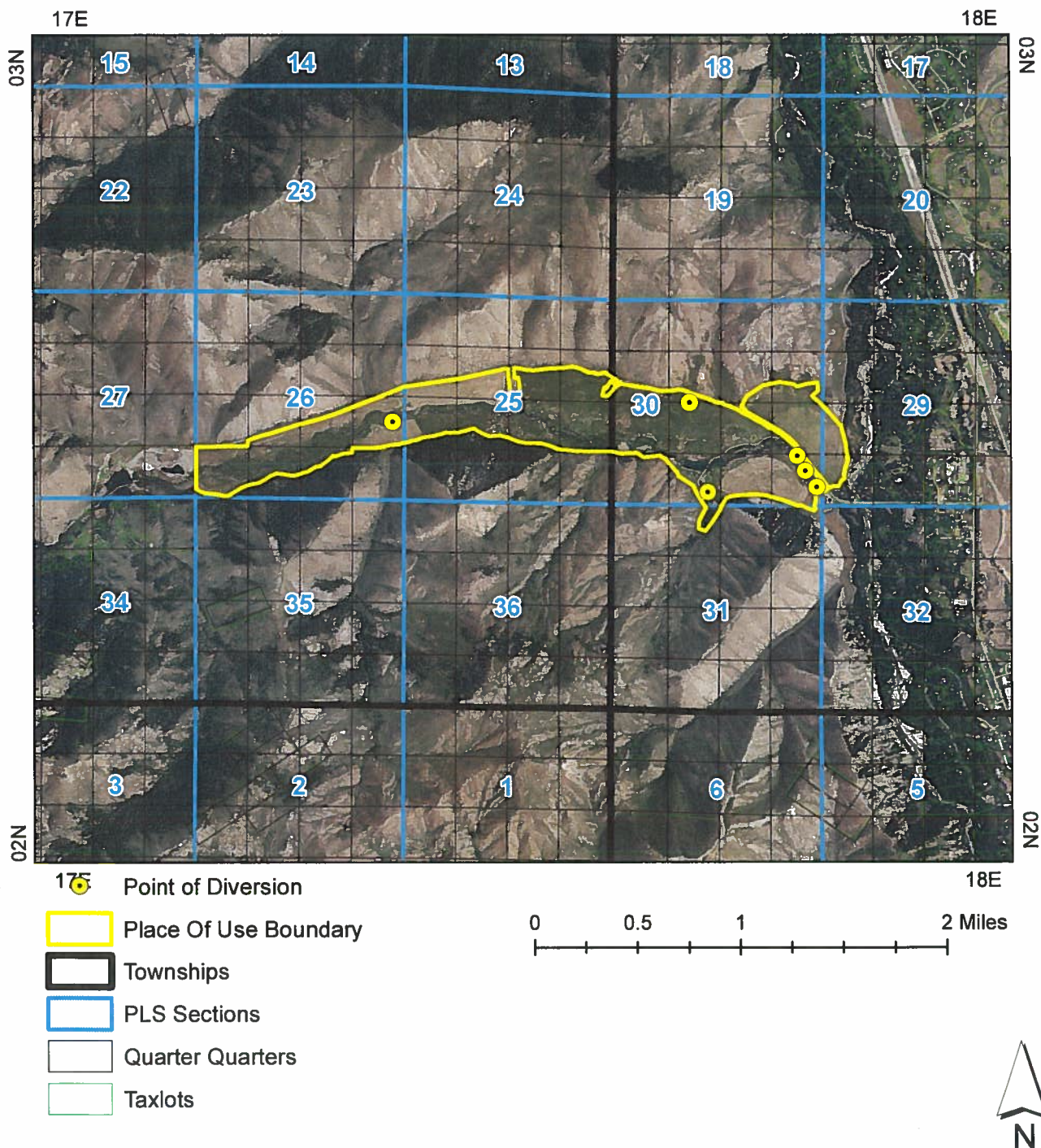
State of Idaho
Department of Water Resources

Water Right

37-466

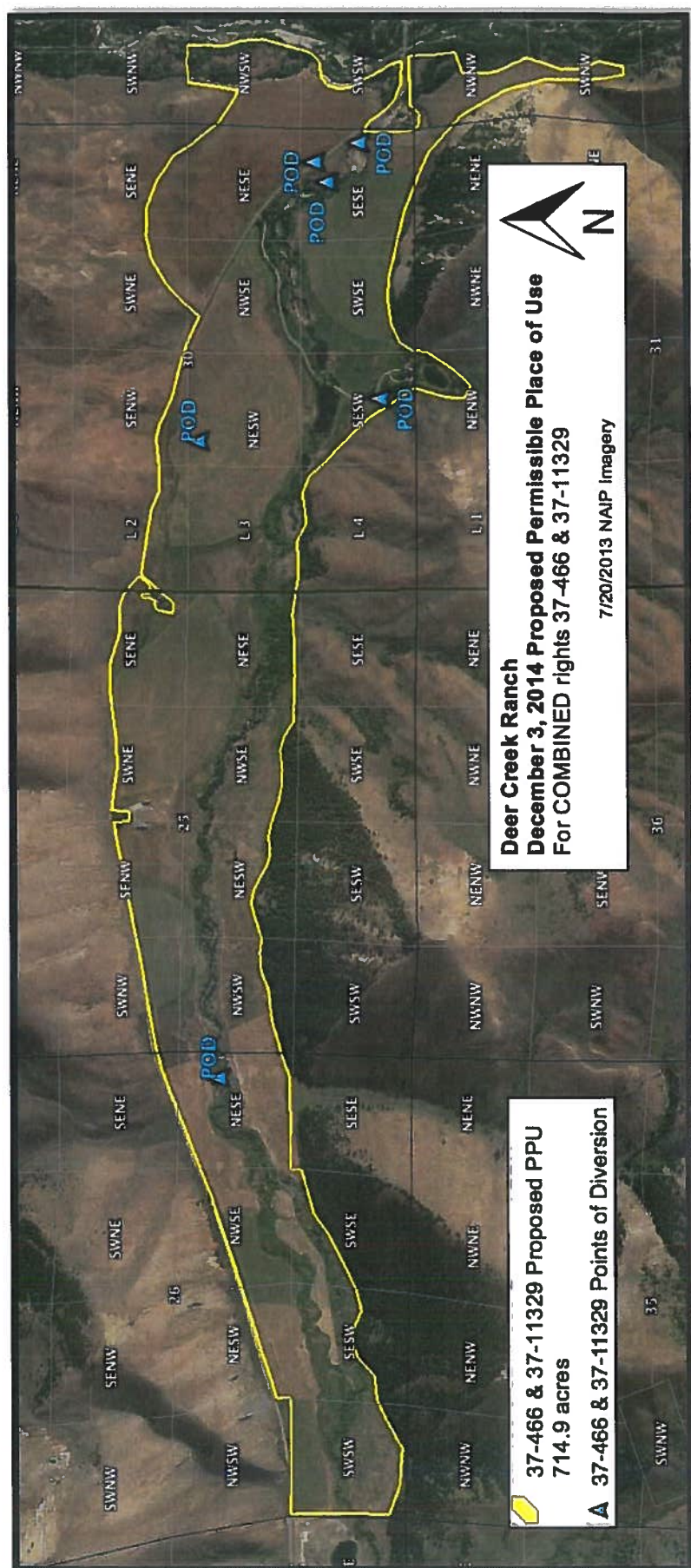
IRRIGATION

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



Map produced on December 02, 2014

TRANSFER 79711



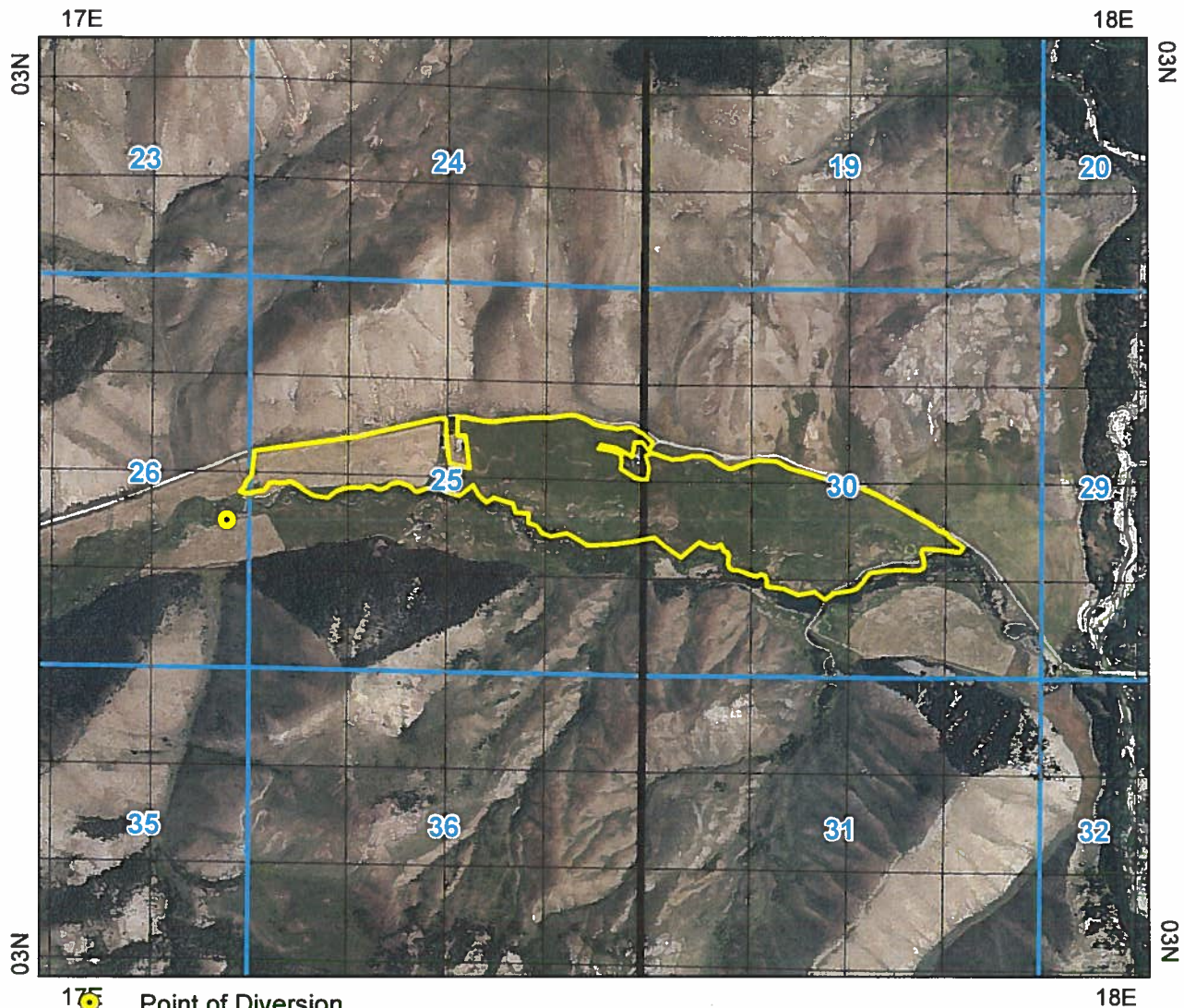
State of Idaho
Department of Water Resources

Water Right

37-11329

IRRIGATION

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



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

0 0.275 0.55 1.1 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 29, 2015

DEER CREEK RANCH INC
ATTN JOHN FLYNN
PO BOX 3090
NEWPORT BEACH, CA 92658

RE: Transfer No. 79711
Water Right No(s). 37-11329, 37-466

RE: Transfer No. 79712
Water Right No(s). 37-11325

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the **IDAHO MOUNTAIN EXPRESS on 2/4/2015 and 2/11/2015**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**February 23, 2015**).

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

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

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

Sincerely,

Denise Maline
Administrative Assistant

cc:

BARKER ROSHOLT & SIMPSON LLP
PAUL L ARRINGTON
195 RIVER VISTA PL STE 204
TWIN FALLS, ID 83301-3029

Maline, Denise

From: Maline, Denise
Sent: Thursday, January 29, 2015 12:58 PM
To: Idaho Mountain Express
Subject: LEGAL NOTICE
Attachments: Idaho Mtn Express Cover Letter.docx; Idaho Mtn Express Ad.docx

Attached please find (1) legal notice being submitted for publication on February 4th & 11th, 2015. 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
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 29, 2015

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

RE: Transfer No. 79711
Water Right No(s): 37-11329, 37-466

RE: Transfer No. 79712
Water Right No(s): 37-11325

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 February 23, 2015. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79711**

DEER CREEK RANCH INC, ATTN JOHN FLYNN, PO BOX 3090, NEWPORT BEACH, CA 92658; has filed Application No. 79711 for changes to the following water rights within BLAINE County(s): Right No(s). 37-11329, 37-466. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer seeks to add two wells currently authorized to divert ground water under water right 37-466 (9.77 cfs) to right 37-11329 (2.48 cfs) and create a 714.9 permissible place of use (PPU) for both rights. When combined both rights are limited to a diversion rate of 9.78 cfs. Place of use and points of diversion are located approximately 3.9 to 5.1 miles north and 2.3 to 7.4 miles west of the intersection of Bullion St and Hwy 75 in Hailey.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79712**

DEER CREEK RANCH INC, ATTN JOHN FLYNN, PO BOX 3090, NEWPORT BEACH, CA 92658; has filed Application No. 79712 for changes to the following water rights within BLAINE County(s): Right No(s). 37-11325. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer seeks to update an existing domestic and stockwater water right (0.06 cfs) to reflect the current point of diversion (POD) and domestic place of use (POU). Proposed POU and POD are located approximately 4.3 miles north and 3.3 miles west of the intersection of Bullion St and Hwy 75 in Hailey.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department 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 February 23, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on February 4th & 11th, 2015

Maline, Denise

From: Maline, Denise
Sent: Thursday, January 29, 2015 3:47 PM
To: 'Kevin Lakey'
Subject: Comment Letter for 79711
Attachments: Comment Letter to WM37 for 79711.docx; Transfer 79711.pdf

Hi Kevin,

Attached is a cover letter, recommendation form and copy of transfer 79711. Please review the information and provide any necessary comments within 21 days. Feel free to contact our office if you have any questions.

Thank you in advance,

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



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Governor

GARY SPACKMAN
Director

January 29, 2015

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

Via E-mail

RE: Transfer No. 79711
Water Right No(s): 37-466, 37-11329

Dear Kevin:

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

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

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

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

*Albert P. Barker
John A. Rosholt
John K. Simpson
Travis L. Thompson
Shelley M. Davis
Paul L. Arrington*
Scott A. Magnuson*

** Licensed in Idaho & Washington*



Paul L. Arrington
pla@idahowaters.com

December 8, 2014

Idaho Department of Water Resources
650 Addison Ave. W., Suite 500
Twin Falls, ID 83301

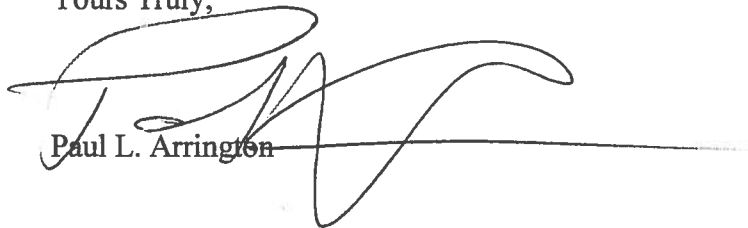
RE: Condition 206 Aerial Photo – Water Right 37-466

To Whom it May Concern:

Attached, please find an aerial photo depicting irrigated acreage under Water Right 37-466, pursuant to Condition 206 on Water Right 37-466, in the name of Deer Creek Ranch. Also included is an identification of acreage that is farm, but not irrigated.

If there are any questions, please don't hesitate to give me a call.

Yours Truly,



Paul L. Arrington

pla/JN

Encs.

cc: Client (via email)

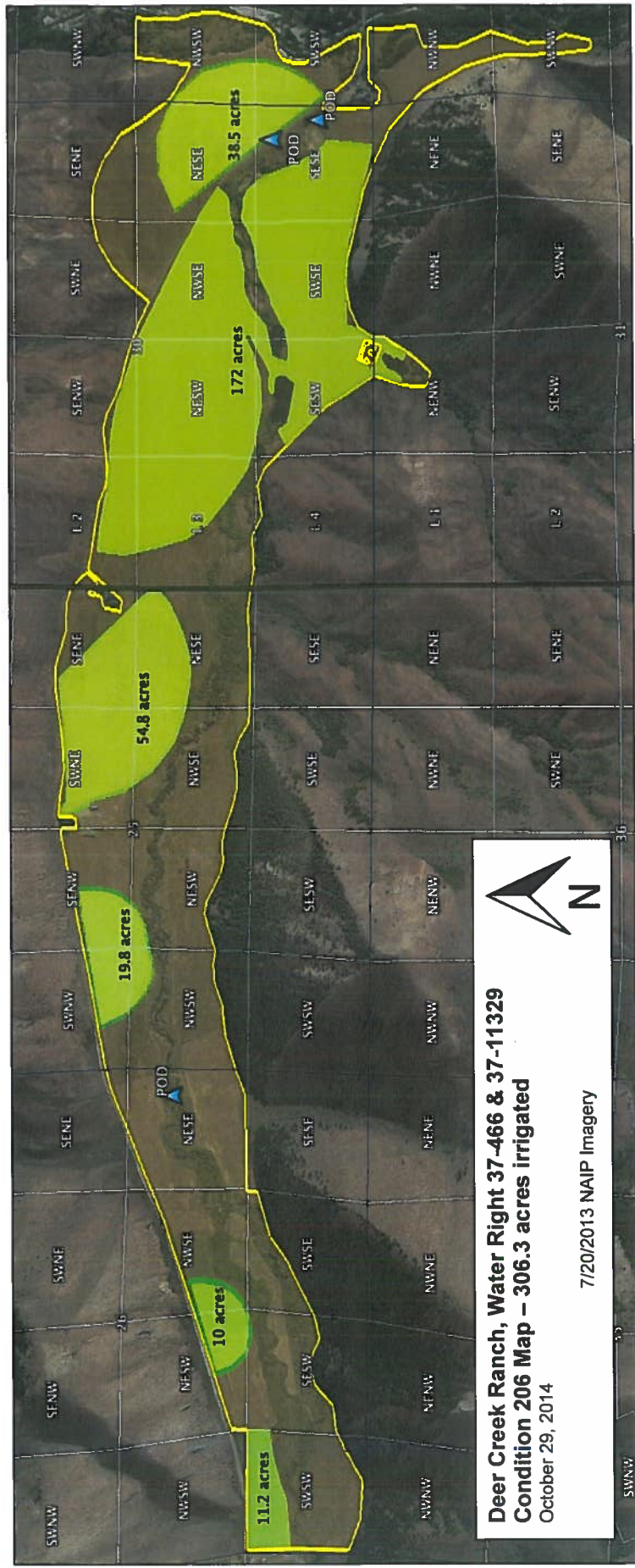
195 River Vista Place, Suite 204
Twin Falls, Idaho 83301
(208) 733-0700 telephone
(208) 735-2444 facsimile

1010 West Jefferson, Suite 102
Post Office Box 2139
Boise, Idaho 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

RECEIVED

DEC 08 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION



Please note the acres depicted in blue, in the map following are sub-irrigated and cut for a hay crop when there's adequate precipitation. These acres may appear to be irrigated, but are not.



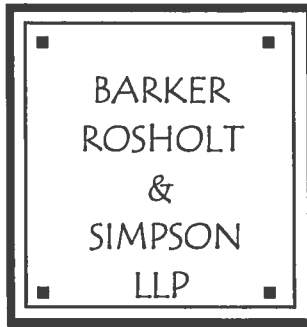
RECEIVED

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**DEPT. OF WATER RESOURCES
 SOUTHERN REGION**

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SOUTHERN REGION

Idaho Department of Water Resources
650 Addison Ave. W., Suite 500
Twin Falls, ID 83301

RE: Two Applications for Transfer of Water Rights
(Deer Creek Ranch, Inc.)

To Whom it May Concern:

Attached, please find two Applications for Transfer of Water Rights, filed by Deer Creek Ranch, Inc. Also attached, please find a check for \$1,420 – representing the filing fee associated with the transfer applications.

The first Transfer Application seeks to create a PPU out of Water Rights 37-466 and 37-11329. These rights have combined diversion limitations, but their places of use are not the same. This PPU will better reflect the actual use of the water rights. Attachment 7a includes several aerial photos of the proposed PPU, including an aerial photo identifying the acreage to be irrigated under these water rights. This map is consistent with the Condition 206 Map that is generally required on PPU transfers.

For your information, concurrently with the filing of the PPU transfer application, Deer Creek has filed an application to lease portions of water rights 37-466 and 37-11329 to the Water Supply Bank. Although the rights authorize the irrigation of up to 489 acres, Deer Creek is currently only irrigating 306.3 acres. The remaining 182.7 acres will be placed in the Water Bank.

The second Transfer Applications seeks to correct the place of use and point of diversion on a domestic right owned by Deer Creek. The place of use for the stockwater use under that right will remain unchanged.

IDWR – Southern Region

December 8, 2014

Page 2

If there are any questions, please don't hesitate to give me a call.

Yours Truly,


Paul L. Arrington

pla/JN

Encs.

cc: Client (via email)