

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-22838

Priority: August 14, 2013

Maximum Diversion Volume: 0.6 AF

This is to certify, that 2007 TERENCE J. CREIGHTON REVOCABLE TRUST
1177 CALIFORNIA ST #825
SAN FRANCISCO CA 94108

has applied for a permit to appropriate water from:

Source: BIG WOOD RIVER**Tributary:** MALAD RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
AESTHETIC STORAGE	01/01 to 12/31	0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER

SW1/4SE1/4

Sec. 32, Twp 03N, Rge 18E, B.M.

BLAINE County

PLACE OF USE: AESTHETIC STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N 18E 32															X		

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2015**.
2. Subject to all prior water rights.
3. Use of water under this right shall be non-consumptive.
4. Right 37-28841 authorize the diversion of an annual total of 0.3 AF to be used for the replacement of losses caused by evaporation from the pond authorized under this right.
5. 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. Prior to diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.
7. Prior to diversion of water under this right, the right holder shall permanently install and maintain a staff gage acceptable to the Department to provide a means to measure the <pond(s) or reservoir(s)> level on a constant basis.

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8. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 20th day of March, 20 14.


FOR GARY SPACKMAN, Director

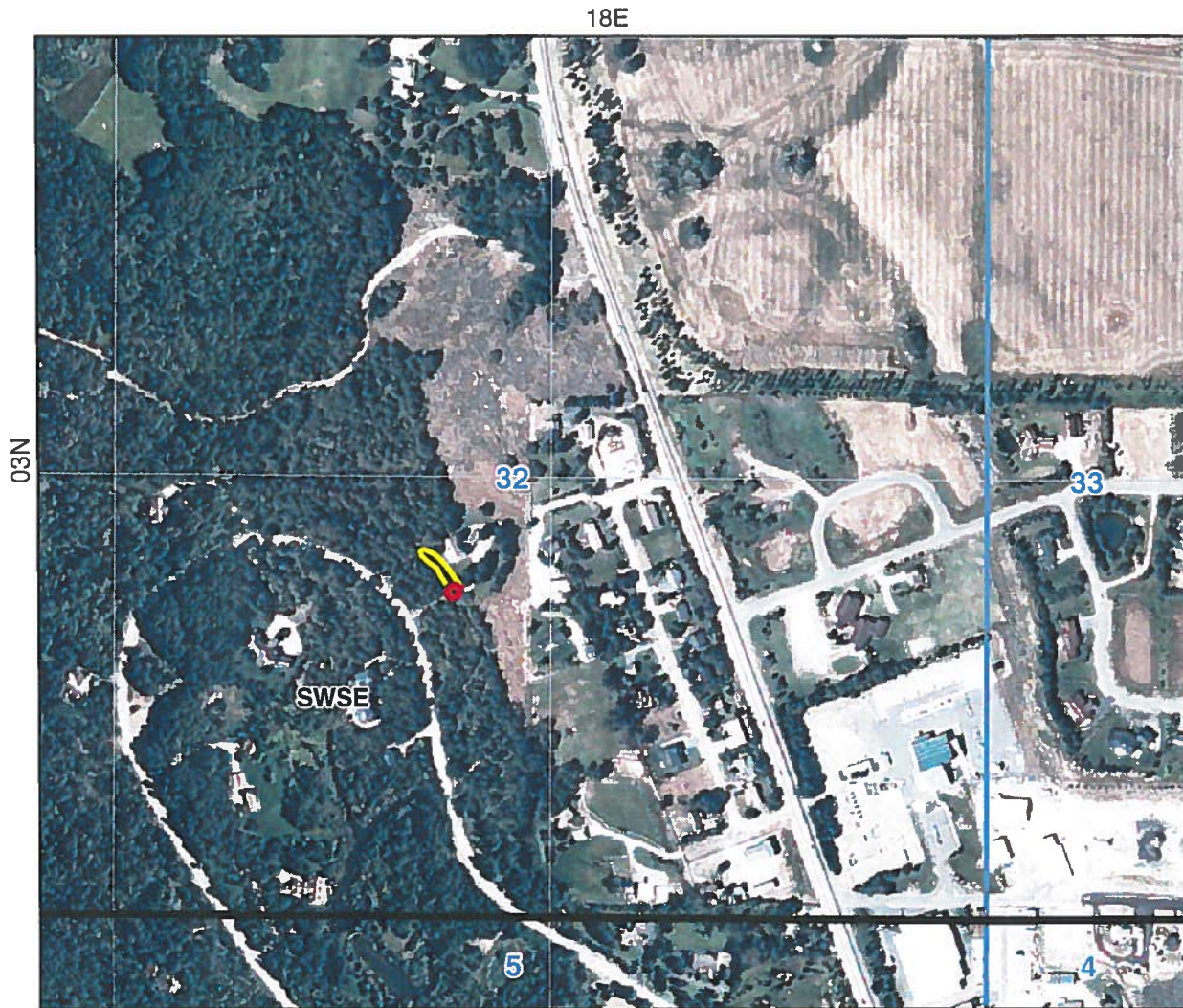


State of Idaho
Department of Water Resources

Attachment To Permit to Appropriate Water

37-22838

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



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

0 0.05 0.1 0.2 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

March 24, 2014

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

Re: **APPROVED Transfer No. 78927 (City of Gooding)**
APPROVED Permit No. 37-22850 (City of Gooding)

Re: **APPROVED Transfer No. 78777 (Terence J Creighton Trust)**
APPROVED Permit No. 37-22838 (Terence J Creighton Trust)

Re: **Approved Transfer No. 79034 (John & Rosemary Mc Gonigal)**

Dear Mr. Lakey:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer and APPROVED Application for Permit within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 21, 2014

2007 TERENCE J. CREIGHTON REVOCABLE TRUST
1177 CALIFORNIA ST #825
SAN FRANCISCO CA 94108

RE: Permit No. 37-22838

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

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

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "A. Merritt". The signature is fluid and cursive, with a large initial "A" and a stylized "Merritt".

Allen Merritt
Southern Region Manager

Enclosure(s)

cc: BROCKWAY ENGINEERING PLLC

CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 37-22838

2007 TERENCE J. CREIGHTON REVOCABLE TRUST

1177 CALIFORNIA ST #825

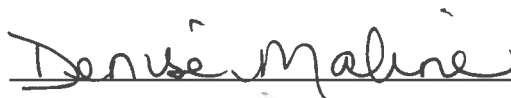
SAN FRANCISCO CA 94108

BROCKWAY ENGINEERING PLLC

C/O GREG SULLIVAN

2016 N WASHINGTON ST STE 4

TWIN FALLS ID 83301

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

Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

AFFIDAVIT of PUBLICATION

State of Idaho
County of Blaine

Pam Morris

RECEIVED

OCT 10 2013

COPY OF NOTICE

Pg. 1

DEPT. OF WATER RESOURCES
SOUTHERN REGION

sworn, deposes and says that she is the printer (publisher) of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

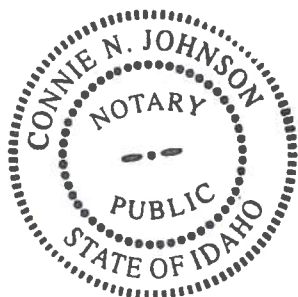
each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 2 day of

Oct., 20 13, and the date of the last publication was on the 9 day of Oct., 20 13

Subscribed and sworn to before me this 9 day of Oct., 20 13.

Connie N. Johnson
NOTARY PUBLIC



RESIDING AT HAILEY, IDAHO
MY COMMISSION EXPIRES ON 7/10/2018

IDAHO MOUNTAIN EXPRESS
P.O. Box 1013
Ketchum, Idaho 83340
COST OF PUBLICATION

Number of Picas per Line 11.5

Number of Lines in Notice 200

Number of Insertions 2

200 Lines tabular at 184.00 9.0 cents/pica

200 Lines straight at 161.00 8.0 cents/pica

200 Subsequent lines at 345.00 7.0 cents/pica

TOTAL COST \$345.00

OVER

Legal Notice

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

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

37-22682
INNOVATIVE MITIGATION SOLUTIONS LLC

2918 N EL RANCHO PL
BOISE, ID 83704

Point(s) of Diversion:

SWNW S20 T03N R18E; SWSW S13, SWNW S24, SESE S23, SESW S12, NENW S13, NENE S26, SWNE S26, NWSE S26, SWSE S26 T01N R18E, ALL WITHIN BLAINE County, Source BIG WOOD RIVER, Tributary MALAD RIVER

Use: GROUND WATER RECHARGE

01/01 to 12/31 154 CFS

Total Diversion: 154 CFS

Date Filed: 2/10/2012

Place Of Use: GROUND WATER RECHARGE

Amended Application for Permit seeks to modify existing Application 37-22682.

The amendment removes a proposed point of diversion (POD) for the Baseline Canal and also removes the associated place of use (POU) in the Baseline Canal systems within Sections 25, 36 of TWP 01N R18E; Sections 31, 32 of TWP 01N R18E; and Sections 5, 8, 9 of TWP 01S R18E. The amendment also proposes to add eight additional PODs and associated POU in the Walker Sand and Gravel pit area and surrounding area within Sections 13, 23, 24, 26 of TWP 01N R18E. The application continues to seek a POD at the Hiawatha Canal within Section 20 of TWP 03N R18E and POU within the Hiawatha canal system within Sections 3, 4, 5, 9, 10, 15, 22, 23, of TWP 02N R18E and Sections 20, 28, 29, 32, 33 of TWP 03N R18E and continues to seek a POD in the Bypass Canal within Section 12 of TWP 01N R18E.

Specific details for the amendment can be found at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/default.aspx>

✓ all
OK
10/21/2013

37-22838

2007 TERENCE J. CREIGHTON
REVOCABLE TRUST

1177 CALIFORNIA ST #825
SAN FRANCISCO, CA 94108

Point of Diversion SWSE S32 T03N
R18E BLAINE County Source BIG
WOOD RIVER Tributary MALAD RIVER
Use: AESTHETIC STORAGE 01/01 to
12/31 0.6 AF

Total Diversion: 0.6 AF

Date Filed: 8/14/2013

Place Of Use: AESTHETIC STORAGE
T03N R18E S32 SWSE

Application proposes to divert 0.6 AF from
the Purdum Slough (Big Wood River) for
aesthetic storage in a pond located on
property approximately 1.3 to 1.4 mi. N
& 0.6 to 0.7 mi. W of Hailey (Flying Heart
Ranch No. II, Lot 21A). Companion
Application for Transfer T78777 was filed
in conjunction to mitigate consumptive
losses associated with the pond.

**NOTICE OF PROPOSED CHANGE OF
WATER RIGHT**

TRANSFER NO. 78755

PORTER FAMILY LIVING TRUST, PO
BOX 2530, KETCHUM, ID 83340; has
filed Application No. 78755 for changes to
the following water rights within BLAINE
County(s): Right No(s). 37-22764. The
purpose of the transfer is to change a
portion of the above rights as follows:
Application proposes changing the point
of diversion of a 0.02 cfs and 0.5 acre
irrigation water right from the East Fork
of the Wood River to an existing well located
on Lot 27, Hyndman Peak Subdivision,
located approximately 4.5 miles south
and 3.0 miles east of Ketchum. The
application includes a hydrologic analy-
sis showing the hydraulic connection
between the well and the East Fork of
the Wood River.

**NOTICE OF PROPOSED CHANGE OF
WATER RIGHT**

TRANSFER NO. 78756

ECCLES WINDOW ROCK RANCH LLC,
PO BOX 3028, SALT LAKE CITY, UT
84110; has filed Application No. 78756
for changes to the following water rights
within BLAINE County(s): Right No(s).
37-8209, 37-885B. The purpose of the
transfer is to change a portion of the
above rights as follows: Transfer pro-
poses moving a 1.16 cfs and 28 acre
ground water right from land located
approximately 0.6 - 0.8 mi. west and 0.6
- 0.8 mi. north of Bellevue to land located
approximately 1.7 - 1.9 mi. due south of
Bellevue on the west side of Highway 75.
An existing well on the property south
of Bellevue will serve as the new point
of diversion for the 28 acre groundwater
right. The 28 acre ground water right will
be combined with the existing, later prior-
ity groundwater right, on the farm south
of Bellevue to irrigate a combined total
of 58 acres.

**NOTICE OF PROPOSED CHANGE OF
WATER RIGHT**

TRANSFER NO. 78777

2007 TERENCE J. CREIGHTON
REVOCABLE TRUST, 1177 CALIFORNIA
ST #825, SAN FRANCISCO, CA 94108;
has filed Application No. 78777 for
changes to the following water rights
within BLAINE County(s): Right No(s).
37-21260. The purpose of the transfer
is to change a portion of the above rights
as follows: Application for transfer pro-
poses to change the Point of Diversion
(POD), Place of Use (POU), Nature of
Use, and Season of Use for a one-acre
portion of Big Wood River Irrigation right
37-21260, currently authorized for 2.5
acres of irrigation on a parcel located
approximately 3.7 to 3.8 mi. S & 0.3 to
0.4 mi. E of Ketchum on the east side of
HWY 93 (Aspen Hollow Lot 19A, BLK 2).
Application proposes to change the POU
of this one-acre portion to accommodate
0.9 acres of irrigation at property located
approximately 1.3 to 1.4 mi. N & 0.6 to
0.7 mi. W of Hailey (Flying Heart Ranch
No. II, Lot 21A). Application proposes to
irrigate this 0.9 acres from a 0.2-acre
pond (POD) located on a portion of
Purdum Slough (Big Wood River), adja-
cent to the proposed POU. Application
also proposes to change the nature and
season of use of a portion of 37-21260
(0.1 acres, 0.3 AF) to mitigate the con-
sumptive portion of maintaining this
pond as a year-round aesthetic feature.
This Application for Transfer was filed
with companion application for permit
37-22838, which proposes to divert 0.6
AF from the Purdum Slough (Big Wood
River) for the non-consumptive portion
of the pond.

Permits will be subject to all prior water
rights. For additional information con-
cerning the property location, 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/ExtSearch/
WRFiling.asp](http://www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp). Protests may be submit-
ted 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,
1341 Fillmore St, Suite 200, Twin Falls,
ID 83301 together with a protest fee of
\$25.00 for each application on or before
October 21, 2013. The protestant must
also send a copy of the protest to the
applicant.

GARY SPACKMAN, Director

PUBLISH:
IDAHO MOUNTAIN EXPRESS
Oct. 2 & 9, 2013

✓ all ok
DM 10/21/2013