

RECEIVED

OCT 31 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

78897

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 <http://www.idwr.idaho.gov/>.

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 #1-9.

- ☒ ☐ #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 transfer applicant as the current water right owner. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #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 <http://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.
- ☐ ☒ #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 Other. Please describe: _____

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

78897

OCT 31 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGIONAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Medina Overlake LLCPhone (206) 285-1300Mailing address 3417 Evanston Ave N STE 326 Seattle, WA 98103Email fredbacker3@gmail.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 Ernest CarlsenPhone (208) 523-4514Mailing address 4838 Wind River Dr Idaho Falls, ID 83401Email ernie@idahowaterengineering.com☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☒ Send original correspondence to the applicant and copies to the representative.☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

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

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
 ☐ Add diversion point(s)
 ☒ Change place of use
 ☐ Change nature of use
 ☐ Change period of use
 ☒ Other Change source
- 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**. See attachment labeled Part 1A.2

Part 1A.2.

The purpose of this application for transfer is twofold. First, to establish the well used under water right 37-8646 as the point of diversion (POD) for water right 37-22755 which has the East Fork of the Big Wood River as its current source of water. Second, the application proposes to establish a permissible place of use (PPU) of Lot 6, Block 1, Hyndman Peak Subdivision with conditions on each water right limiting the combined total irrigation and individual right irrigation.

Supporting the requested change in POD for 37-22755, documents are provided demonstrating the hydrologic connection between the East Fork and the well is greater than 50% of the water right over a 24 hour period. The documents include the Well Drillers Report for the well, labeled Attachment 1B.3.a, plus a completed Stream Depletion Analysis Tool, labeled Attachment 1B.3.b. Based on the lithographic log on the driller's report, which shows the soil type for the water bearing zone is gravel and boulders, the Stream Depletion Analysis Tool was run using a specific yield (Sy) of 0.19 and the hydraulic conductivity (K) of 1,454 which is the average for coarse gravel. The well is just over 100 feet from the East Fork channel and is marked by a pink dot in the center of the aerial view on Attachment #7b.

A component of the PPU is the number of acres historically irrigated based on Department records. The places of use for water rights 37-22755 and 37-8646, as listed on Part 2A of the application, individually total 0.57 and 0.60 acres, respectively. A fairly precise location of the place of use (POU) for 37-8646 is illustrated on a map from the Department's records prepared as part of the beneficial use field exam conducted in July 1994 and labeled as Attachment 1B.4.a. Using ArcMap 10, a representative shape of this irrigated area was generated and is included as Attachment 1B.4.a1. Attachment 1B.4.b. is the shape created by the Department to illustrate the POU for 37-22755 in the Snake River Basin Adjudication. Comparison of the two irrigated areas reveals there is a partial overlap in the places of use. Merging the two shapes in ArcMap produces the shape shown on Attachment 1B.4.c with the total combined irrigated area of 1.0 acres. Since the area of the shape for 37-22755 illustrated on Attachment 1B.4.b. is 0.64 acres there is a discrepancy of 0.07 acres between the acreage listed on the water right and the shape. Without information specifying the location of the 0.07 acre discrepancy the application is prepared as if the unidentified 0.07 acres overlapped with the area irrigated under 37-8646 and the total combined irrigated area should be 1.0 acre. The PPU proposed by the application, and shown on Attachment #7b, is Lot 6, Block 1, Hyndman Peak Subdivision which totals 1.85 acres according to Blaine County tax lot data. The application proposes both rights be conditioned limiting the combined irrigated area to one acre along with right 37-8646 being conditioned to the irrigation of 0.6 acres and 37-22755 being conditioned to the irrigation 0.57 acres.

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
☒ ☐	37-22755	0.022	Irrigation	4/15 to 10/31	Ground Water
☒ ☐	37-8646	0.02	Irrigation	4/15 to 10/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.042 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 0.042 cubic feet per second and/or _____ acre-feet per annum.

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			SE	NE	3	3N	18E	Blaine	Ground Water	

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	18E	3			.09	1.76													1.85

Total Acres (for irrigation use) 1.85

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: _____
Well, pump and distribution system to buried sprinkler system. Measurement plan describing installation of a measuring device has been submitted to Upper Wood Rivers Water Measurement District. Irrigation system has a shut off valve that could be secured in a lock box if controlling works had to be locked.
- 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: NA

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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Approval of this application will not effect the land now irrigated but will provide the right holder more flexibility in deciding which area will be irrigated within the proposed permissible place of use while being consistent with the limitations and conditions of the water rights.
- e. 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:
NA

- f. 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: _____

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

Current Water Right No.: 37-22755

Current Owner: MEDINA OVERLAKE LLC
Priority Date: 6/3/1884
Origin: Water Right
Status: Active
Basis: Decreed

Source

EAST FORK WOOD RIVER

Tributary

BIG WOOD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Total Diversion

Diversion Rate

0.22 CFS

0.22 CFS

Annual Volume

Location of Point(s) of Diversion

EAST FORK WOOD RIVER

BLAINE County

EAST FORK WOOD RIVER

BLAINE County

NE1/4SE1/4NE1/4

Sec. 3, Twp 03N, Rge 18E B.M.

SW1/4SW1/4NE1/4

Sec. 3, Twp 03N, Rge 18E B.M.

Place of Use

IRRIGATION Within BLAINE County

T03N R18E S3

SENE

0.57

Total Acres: 0.57

Conditions of Approval:

1. X60 Place of use is located within Lot 6, Hyndman Peak Subdivision.
2. P21 This right is a split from former right 37-539E
3. This right shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used.
4. The actual diversion rate of this right is .022 cfs.
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.

Decreed Date: 6/29/2011

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

Current Water Right No.: 37-8646

Current Owner: MEDINA OVERLAKE LLC

Priority Date: 7/12/1990

Origin: Water Right

Status: Active

Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.02 CFS	2.1 AF
DOMESTIC	1/01 to 12/31	0.04 CFS	1.2 AF
	<u>Total Diversion</u>	0.06 CFS	3.3 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4NE1/4 Sec. 3, Twp 03N, Rge 18E B.M.

BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T03N R18E S3 SENE 0.60

Total Acres: 0.6

Place of Use: DOMESTIC same as IRRIGATION

Conditions of Approval:

1. 041 Irrigation use under this right is authorized only in connection with a domestic use.
2. This right when combined with all other rights shall provide no more than 0.02 cfs nor more than 2.1 afa for the land described above.
Places of use are located within Lot 6, Hyndman Peak Subdivision.
Domestic use is for 2 homes.
Domestic use does not include lawn, garden, landscape, or other types of irrigation.

Licensed Date: 5/4/1996

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

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

Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED

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

Right Number: _____

[illegible]

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

[illegible]

Total Acres (for irrigation use) _____

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.

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 rights(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.:

In 1987 at the commencement of the Snake River Basin Adjudication, Lot 6, Blk 1, Hyndman Peak Subdivision was still agricultural land irrigated from the East Fork with water right 37-539G. While the adjudication was being conducted Lot 6 was developed as a residential lot. Water right 37-8646 was obtained and a well was drilled to provide water for domestic and irrigation uses. Though 37-8646 is junior in priority and consequently supplemental to 37-539G for the purpose of irrigation, because of alterations to the ditch system by upstream neighbors 37-539G, the primary right, became undeliverable and the property owner was limited to using 37-8646. Under this application changes to 37-8646 are related to establishing a permissible place for irrigation in conjunction with the surface water right which is now numbered 37-22755.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by DM Date 10.31.2013 Prelim. Check by _____ Date _____

Fee Paid \$200- Date 10.31.2013 Received by [Signature] Receipt # 5033612

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

State of Washington
Business Licensing Service

Attachment #1

LEGAL ENTITY REGISTRATION

Office of the Secretary of State
Corporations Division

Unified Business ID #: 602 336 468
Business ID #: 1

Expires: 10-31-2013

MEDINA OVERLAKE LLC
1102 BROADWAY STE 500
TACOMA WA 98402

Domestic Limited Liability Company
Renewed by Authority of Secretary of State

By accepting this document the licensee certifies that information provided on the renewal was complete, true, and accurate to the best of his or her knowledge, and that the company will stay in compliance with all applicable Washington State regulations.


Director, Department of Revenue

UNITED STATES OF AMERICA

The State of Washington

Secretary of State

I, **SAM REED**, Secretary of State of the State of Washington
and custodian of its seal, hereby issue this

CERTIFICATE OF FORMATION

to

MEDINA OVERLAKE LLC

A Washington Limited Liability Company. An application was
filed for record in this office on the date indicated below

UBI Number: 602 336 468

Date: October 22, 2003



Given under my hand and
the Seal of the State of
Washington at Olympia,
the State Capital

A handwritten signature in cursive script that reads "Sam Reed".

Sam Reed
Secretary of State

602 336 468

**CERTIFICATE OF FORMATION
OF
MEDINA OVERLAKE LLC**

FILED
SECRETARY OF STATE
OCT 22 2003
STATE OF WASHINGTON

Pursuant to Title 25.15 of the Revised Code of Washington, the undersigned does hereby submit this Certificate of Formation for the purpose of forming a limited liability company.

**ARTICLE I
NAME**

The name of this company is Medina Overlake LLC.

**ARTICLE II
DURATION**

The period of duration of this company is perpetual.

**ARTICLE III
PRINCIPAL PLACE OF BUSINESS**

The address of the company's principal place of business is 221 West Galer Street, P.O. Box 9327, Seattle, Washington 98109.

**ARTICLE IV
REGISTERED OFFICE AND AGENT**

The street address of the registered office of the company is the same as the address of the registered agent, and the name and street address of the registered agent for service of process is SC&B Services, Inc., 999 Third Avenue, Suite 3000, Seattle, Washington 98104-4088.

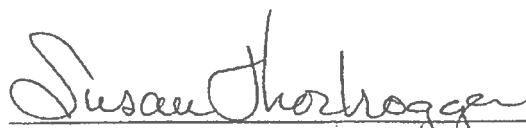
**ARTICLE V
MANAGEMENT**

The company shall be managed by a manager or managers.

**ARTICLE VI
EXECUTION**

The individual executing this document is Susan Thorbrogger. The address of said individual is Short Cressman & Burgess PLLC, 999 Third Avenue, Suite 3000, Seattle, Washington 98104-4088.

DATED October 21, 2003.



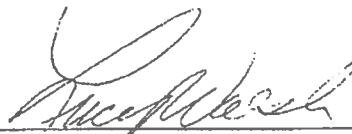
Susan Thorbrogger, Attorney at Law
999 Third Avenue, Suite 3000
Seattle, Washington 98104-4088

The undersigned consents to appointment as the registered agent for service of process on the limited liability company.

DATED October 21, 2003.

SC&B SERVICES, INC.

By:



Lucy Walsh, Assistant Secretary

Attachment #1

CONSENT OF MEMBERS IN LIEU OF SPECIAL MEETING OF MEDINA OVERLAKE, LLC

The undersigned, being all of the Members of Medina Overlake, LLC (the "Surviving Company"), do by their signatures hereto, pursuant to RCW 25.15.400, consent to the following actions to be taken by the Company:

WHEREAS, the Members have determined it to be in the best interests of the Surviving Company to merge Hyndman Peaks, LLC, a Washington limited liability company, with and into the Surviving Company (the "Merger"); now, therefore, it is

RESOLVED, that the Members adopt the Agreement and Plan of Merger in the form attached hereto as Exhibit A (the "Agreement") and the Articles of Merger, attached hereto as Exhibit B; and

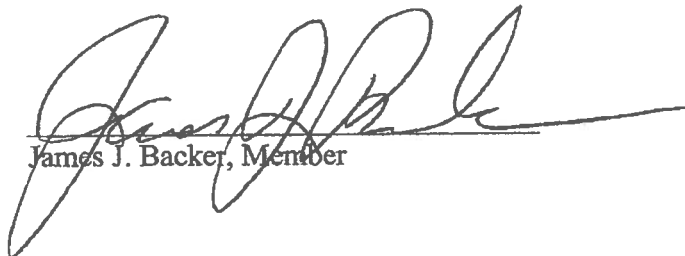
FURTHER RESOLVED, that the Members of the Surviving Company, as evidenced by their signatures hereto, approve the Merger; and

FURTHER RESOLVED, that Jolie Vernoy is appointed as Manager to take any and all actions as he deems necessary or appropriate to consummate the Merger. The Manager of the Surviving Company is hereby authorized and directed to execute the Agreement and execute and file the Articles of Merger with the Secretary of State of the state of Washington, and to take all other actions as may be necessary and proper to effectuate the intent and purpose of these resolutions.

8-25, 2010


Jolie Vernoy, Member

8/25, 2010


James J. Backer, Member

PERMIT 37-8646 INITT. S. Q/Q

P/D

SCALE

PHOTO ID.

WATER RESOURCES

USE TYPEWRITER OR
BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Gene J. ...</u> Address <u>302 2200 Webster, J. 83310</u> Owner's Parish No. <u>37-90-3-100-01</u>		7. WATER LEVEL Static water level <u>8</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ OF Quality <u>Good</u> Describe alienation or temperature zones below: _____																																									
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement Well diameter increase _____ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)		8. WELL TEST DATA ☐ Pump ☐ Baller ☒ Air ☐ Other _____																																									
3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)		9. LITHOLOGIC LOG <table border="1"> <thead> <tr> <th>Bore Diam.</th> <th>Depth From</th> <th>To</th> <th>Material</th> <th>Water Yes No</th> </tr> </thead> <tbody> <tr> <td>10</td> <td>0</td> <td>15</td> <td>land and gravel</td> <td></td> </tr> <tr> <td>10</td> <td>15</td> <td>23</td> <td>Gravel and boulders</td> <td>x</td> </tr> <tr> <td>8</td> <td>23</td> <td>36</td> <td>Gravel</td> <td>x</td> </tr> <tr> <td>8</td> <td>36</td> <td>46</td> <td>Boulders</td> <td>x</td> </tr> <tr> <td>8</td> <td>46</td> <td>50</td> <td>Gravel</td> <td></td> </tr> <tr> <td>8</td> <td>50</td> <td>62</td> <td>limestone</td> <td>x</td> </tr> <tr> <td>8</td> <td>62</td> <td>100</td> <td>Granite</td> <td>x</td> </tr> </tbody> </table>		Bore Diam.	Depth From	To	Material	Water Yes No	10	0	15	land and gravel		10	15	23	Gravel and boulders	x	8	23	36	Gravel	x	8	36	46	Boulders	x	8	46	50	Gravel		8	50	62	limestone	x	8	62	100	Granite	x
Bore Diam.	Depth From	To	Material	Water Yes No																																							
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4. METHOD DRILLED ☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Dug ☐ Other _____		10. RECEIVED AUG 11 1990 Department of Water Resources Southern Region Office MAY 07 1995																																									
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ Thickness _____ Diameter _____ From _____ To _____ 250 inches 11 inches 11 feet 51 feet inches inches feet feet inches inches feet feet inches inches feet feet Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☒ Yes ☐ No Perforated? ☒ Yes ☐ No How perforated? ☒ Factory ☐ Knife ☐ Torch ☐ Gun Size of perforation <u>1/8</u> inches by <u>1/8</u> inches Number _____ From _____ To _____ 250 perforations 20 feet 40 feet perforations feet feet perforations feet feet Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☒ Yes ☐ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>20</u> Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Pudding clay ☐ Cement grout Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☐ Overbore to seal depth ☐ Solvent Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent ☐ Cemented between struts Describe access port: _____		11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. WOOD RIVER DRILLING AND PUMP Firm No. <u>265</u> 801165 788-3163 HAILEY, IDAHO 83333 Address _____ Date _____ Signed by (Firm Official) <u>Ken Smith</u> and (Operator) <u>RSCC McLaughlin</u>																																									
6. LOCATION OF WELL Sketch map location must agree with written location.  Subdivision Name <u>HYNDWYN</u> <u>PEAK 1/8 S HYNDWYN (1)</u> Lot No. <u>6</u> Block No. _____ County <u>BLAINE</u> <u>SE 1/4 NE 1/4 Sec. 3 T. 3 N. R. 18 W. 4</u>		Work started <u>8-11-90</u> finished <u>8-14-90</u>																																									

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

Attachment 1B.3.b**Stream Depletion Analysis Tool****Read Me**

Project Title

Medina Overlake Transfer 37-22755

Definition of Variables**Calculation of Stream Depletion Rate & Volume****User Defined Input Variables**

t =	1	duration of pumping (days)
K =	14,514.00	hydraulic conductivity (ft/day)
b =	20.00	saturated thickness (ft)
Sy =	0.19	specific yield in decimals (unitless)
a =	115.00	distance (ft)
Q =	0.12	pumping rate (ft ³ /s)

Calculated Input Variables

T =	290280	transmissivity (ft ² /day)
Sy/T =	0.00000065	component of sdf (unitless) for observation only
Q =	10368	pumping rate (ft ³ /day)
Qt =	10368	pumped volume (ft ³)
	0.24	pumped vol (ac-ft)

Table Values

sdf =	0.0087	stream depletion factor (units of time)
t/sdf =	115.52	(unitless)
q/Q =	0.942	(unitless)
v/Qt =	0.955	(unitless)

Stream Depletion Rate

q =	0.113	stream depletion rate (ft ³ /s)
% Total =	94.2	contribution of total flow rate from stream (%)

Stream Depletion Volume

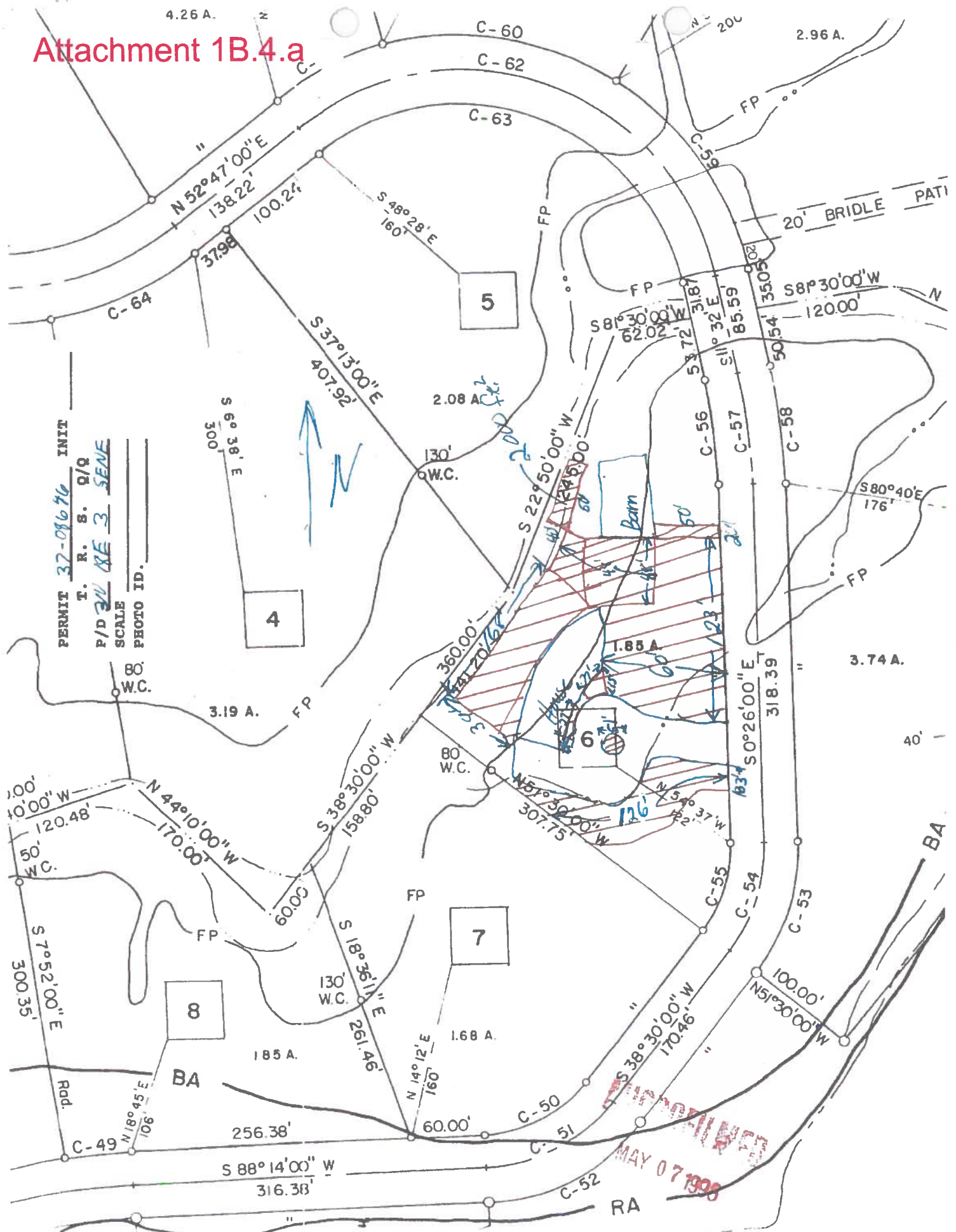
v =	9901.44	vol. strm depletion (ft ³)
	0.2273	vol. strm depletion (ac-ft)
% Total =	95.5	contribution of total volume from stream (%)

Notes

This analysis represents the stream depletion analysis conducted by Idaho Water Engineering regarding the proposed POD transfer of 37-22755 from the East Fork of the Big Wood River to a well.

Hydraulic conductivity is based on an average of the specific yield (Sy) and average K values reported for "coarse gravel" in Tables 1 and 2, respectively, of the Soil Property Tables worksheet. It is assumed the K value extends over the entire 20-foot overlap of the perforated area (20-40 feet) and the saturated thickness or water bearing zone (15-46 feet). Saturated thickness is assumed to be the 20-foot depth of overlap. Calculations on the licensing BU Field Report indicate the theoretical pumping capacity is 0.12 cfs. Analysis indicates that even over the decreased saturated thickness q/Q is 94.2% (> 50%) and v/Qt is 95.5% (>50%).

~~Attachment 1B.4.a~~

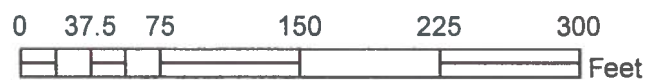
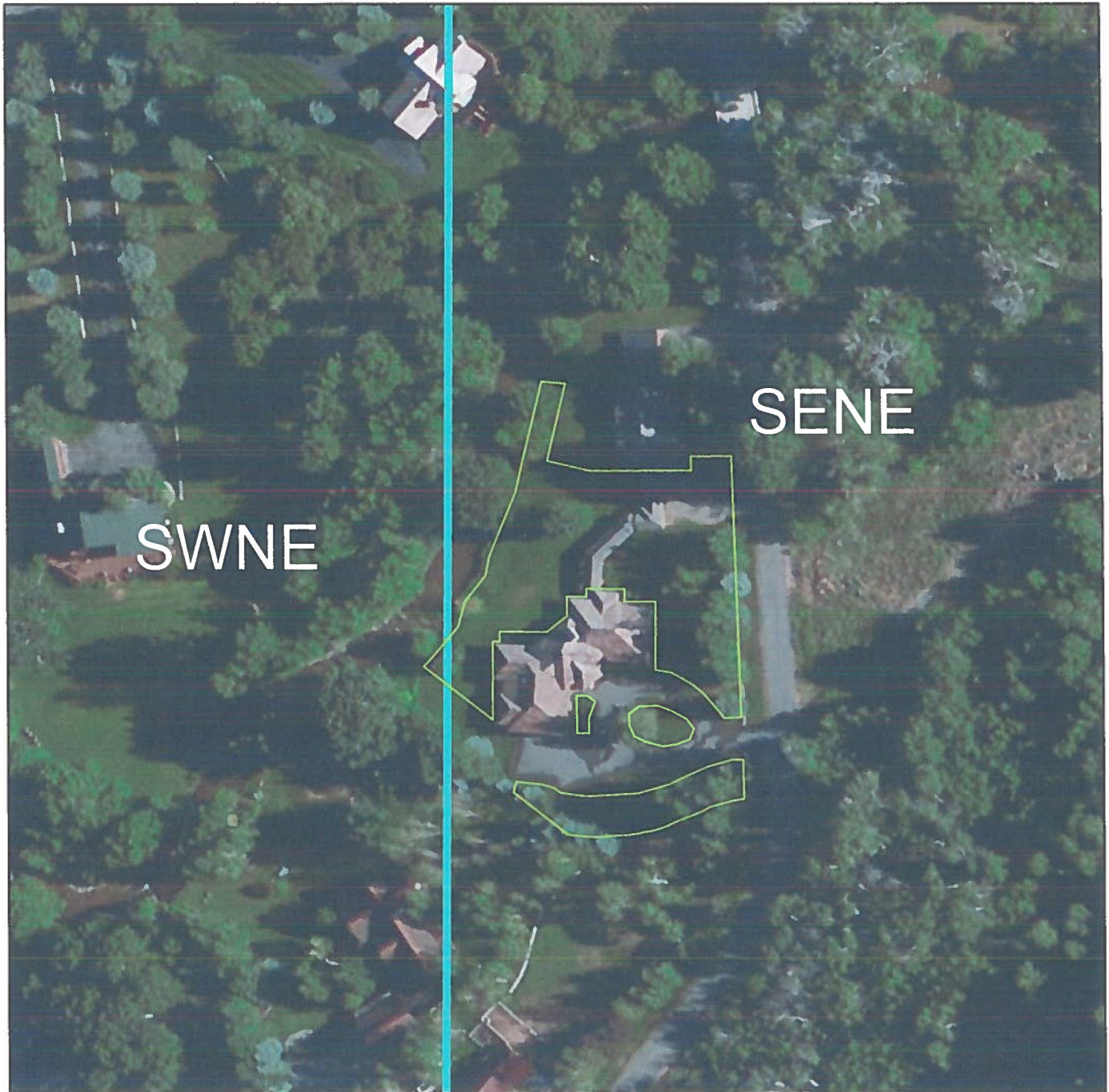


TRANSFER 78897

Attachment 1B.4.a1.

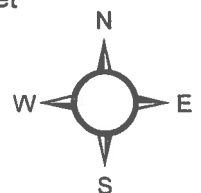
37-8646 Licensed POU

Twp 03N, Rge 18E, Sec 3



Legend

-  License_POU_37-8646
-  Big Wood QQ

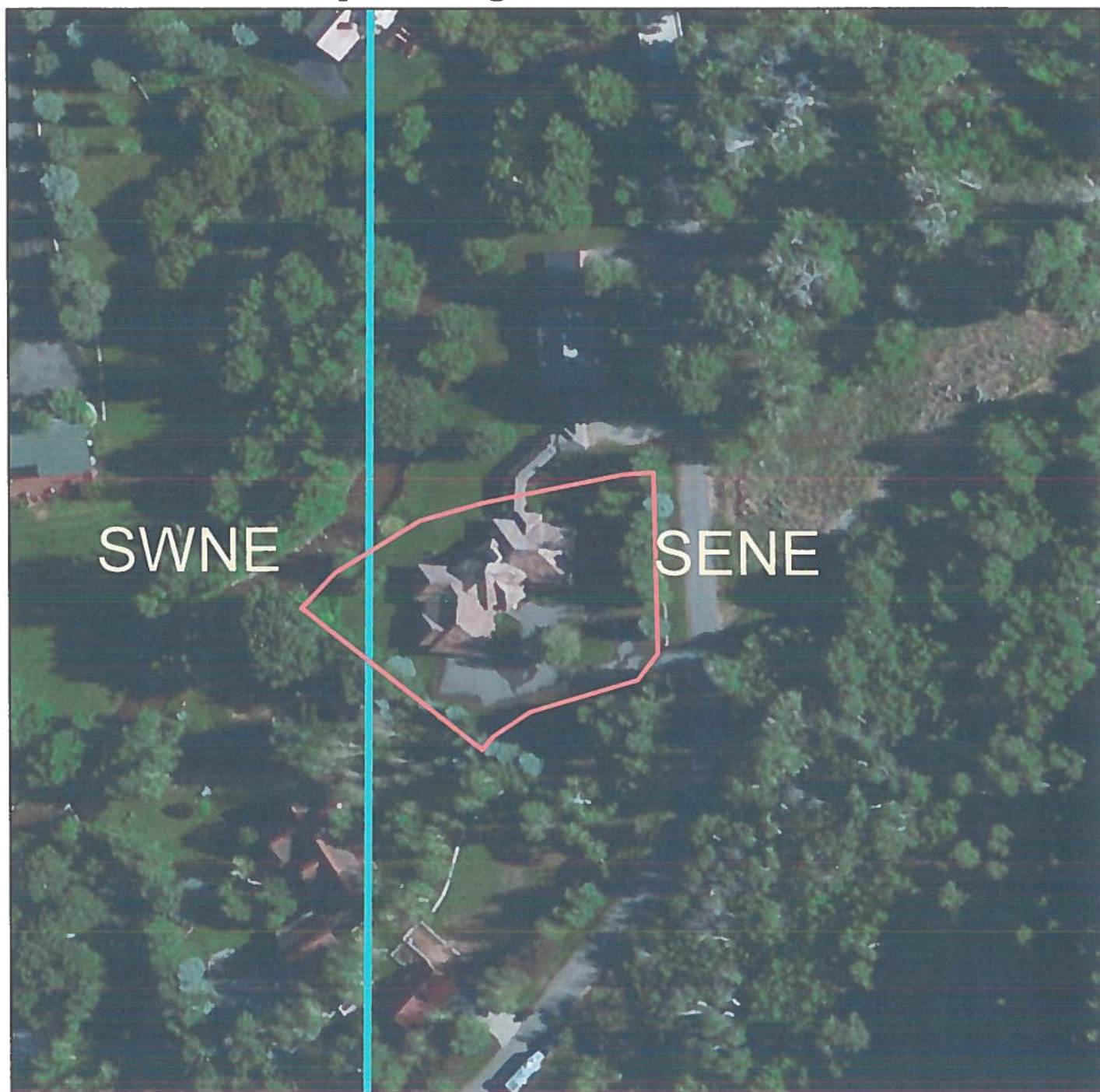


TRANSFER 78897

Attachment 1B.4.b.

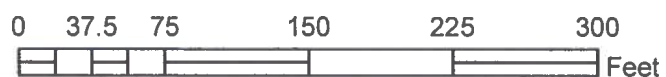
37-22755 Decreed POU

Twp 03N, Rge 18E, Sec 3

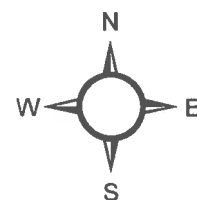


Legend

-  37-22755_PD_POU
-  Big Wood QQ



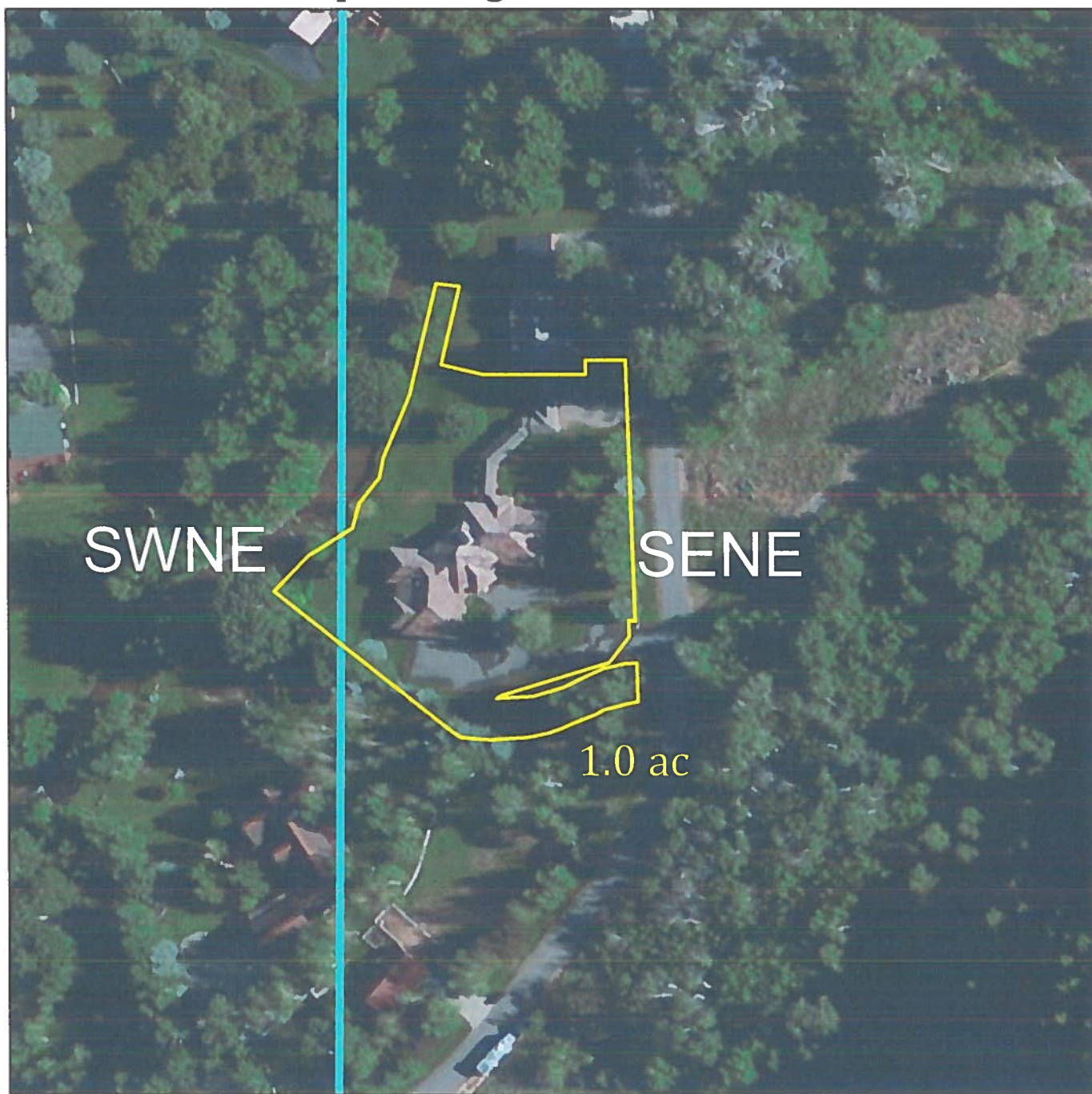
TRANSFER 78897



Attachment 1B.4.c.

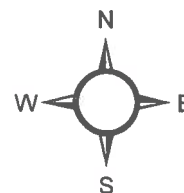
37-8646 & 37-22755 Merged POU

Twp 03N, Rge 18E, Sec 3



Legend

- 37-8646 & 37-22755 Merged POU
- Big Wood QQ

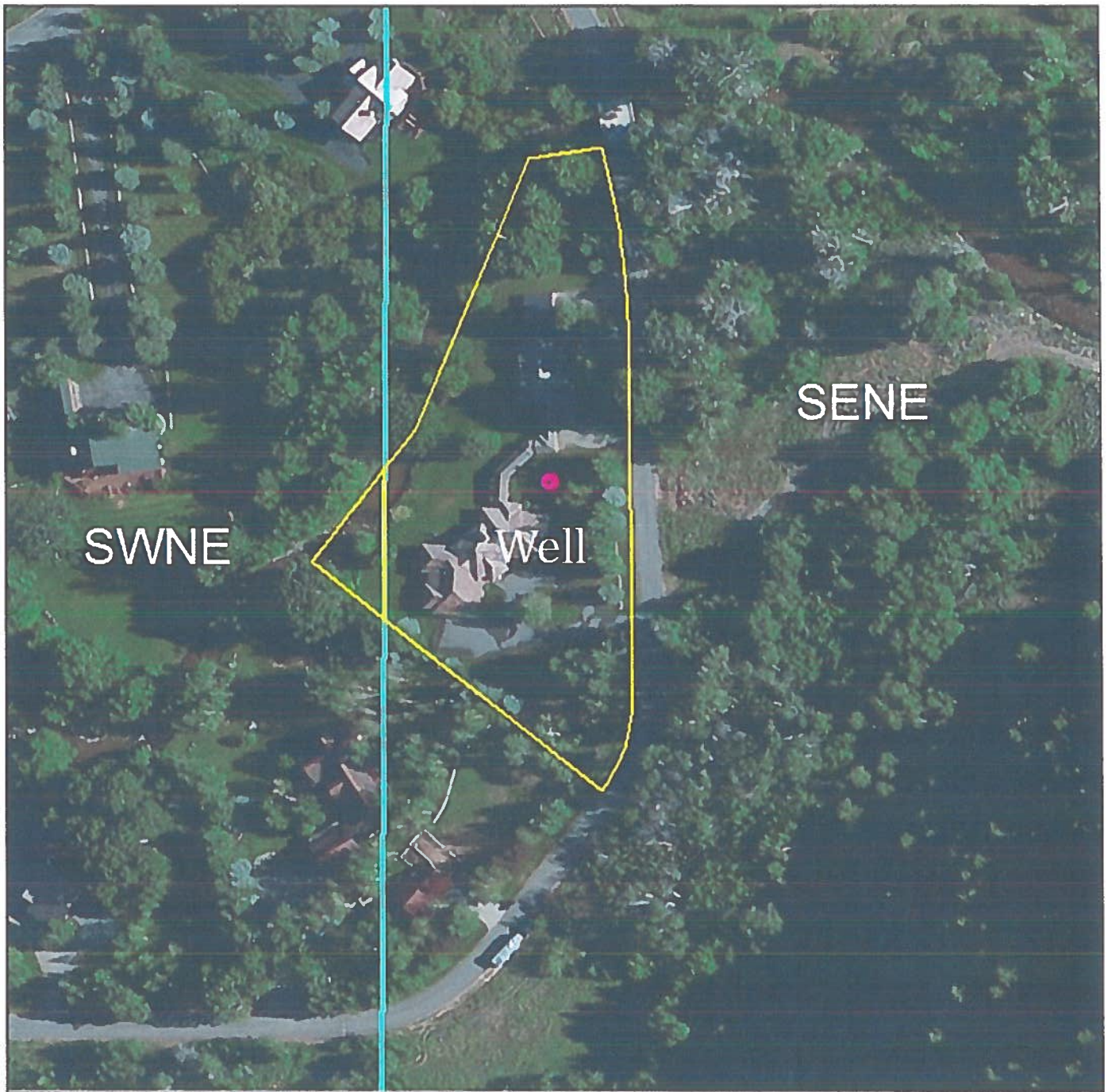


TRANSFER 78897

Attachment 7b.

Lot 6, Blk 1, Hyndman Peak Subdivision

Twp 03N, Rge 18E, Sec 3

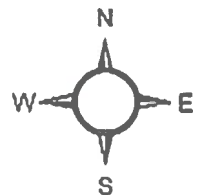


Legend

- 37-8646_POD
- Medina_Overlake
- Big Wood QQ

0 45 90 180 270 360 Feet

TRANSFER 78897





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 27, 2013

MEDINA OVERLAKE LLC
3417 EVANSTON AVE N STE 326
SEATTLE, WA 98103

RE: Transfer No. 78897
Water Right No(s). 37-22755, 37-8646

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 **12/4/2013** and **12/11/2013**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**December 23, 2013**).

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:

ERNEST CARLSEN
4838 WIND RIVER RD
IDAHO FALLS, ID 83401

Maline, Denise

From: Maline, Denise
Sent: Wednesday, November 27, 2013 10:04 AM
To: Idaho Mountain Express
Subject: LEGAL NOTICE
Attachments: Idaho Mountain Express Cover Letter.docx; Idaho Mountain Express Ad.docx

Attached please find (1) legal notice being submitted for publication on December 4th & 11th, 2013. Please 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, Southern Region
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

November 27, 2013

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

RE: Transfer No. 78897
Water Right No(s): 37-22755, 37-8646

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 December 23, 2013. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78897**

MEDINA OVERLAKE LLC, 3417 EVANSTON AVE N STE 326, SEATTLE, WA 98103; has filed Application No. 78897 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22755, 37-8646; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the point of diversion for a 0.022 cfs and 0.57 acre irrigation water right, 37-22755, from the East Fork of the Wood River to an existing well. The application includes a hydrologic analysis showing the hydraulic connection between the well and the East Fork of the Wood River. Application also proposes creating a permissible place (PPU) of use by combining water right 37-22755 with a 0.02 cfs and 0.6 acre water right, 37-8626, diverted from the same well. Well and PPU are located on Lot 6, Block 1, in the Hyndman Peak Subdivision approximately 6.7 miles north and 0.7 miles east of Hailey.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. 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, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before December 23, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on December 4th & 11th, 2013

Maline, Denise

From: Maline, Denise
Sent: Wednesday, November 27, 2013 11:47 AM
To: 'Kevin Lakey'
Subject: Comment Letters
Attachments: Letter to Kevin Lakey.pdf; Transfer 78476.pdf; Transfer 78897.pdf

Dear Kevin,

Attached please find a cover letter, recommendation forms, and a copy of Applications for Transfer 78897 & 78476. Please review the attached 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
Administrative Assistant, Southern Region
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 27, 2013

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

Via e-mail

RE: Transfer No. 78897
Water Right No(s): 37-22755, 37-8646

RE: Transfer No. 78476
Water Right No(s): 37-327, 37-329, 37-59M

Dear Mr. Lakey:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form 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)

MEMORANDUM

Date: November 14, 2013
To: Transfer 78897
From: William Mills
Re: Evaluation of Sufficiency of Information Submitted

Application proposes changing the point of diversion for a 0.022 cfs and 0.57 acre irrigation water right, 37-22755, from the East Fork of the Wood River to an existing well located on Lot 6, Block 1, in the Hyndman Peak Subdivision approximately 6.7 miles north and 0.7 miles east of Hailey. Application also proposes creating a permissible place of use by combining water right 37-22755 with a 0.02 cfs and 0.6 acre water right, 37-8626, diverted from the same well. Both rights will be limited to 1.0 acre of irrigation when combined.

Hydrologic analysis was included indicating pumping from the proposed well will potentially yield a stream depletion volume of 95.5% exceeding the Department guideline of a 50% reduction in the original source (East Fork Wood River) in less than a 24 hour period. The analysis was completed using a spreadsheet most likely developed by Idaho Water Engineering and the actual base equation utilized was unclear, therefore Jensen Stream Depletion Analysis was performed in house. The results indicated an approximate stream response of approximately 95% within 24 hours.

POU overlap analysis was completed by merging the shapes for the two water rights in ArcMap which resulted in a POU shape of approximately 1.0 acre. As a result, the application requests a limit of 1.0 acre for the combined water rights within a 1.85 acre PPU. This approach accounts for the overlap between the two shapes and results in a reduction of 0.17 irrigated acres when these rights are combined. Following department guidelines, condition 206 will not be applied to the rights in this transfer because the non-irrigated acres are less than the suggested 10 acre minimum defined in the 1/29/2010 memo defining usage parameters for condition 206.

Point of diversion and place of use are located in Water District 37 and Watermaster comments will be solicited.

- **Authority to File:**
IDWR records indicate the applicant currently owns the water rights involved in the transfer.
- **Water Right Validity:**
Water right 37-22755 was decreed in the SRBA on 6/29/2011. Water right 37-8646 was licensed 5/4/1996. Recent aerial photography indicates that the property associated with this transfer appears irrigated.
- **Injury to Other Water Rights:**
None anticipated. The application proposes a change in source from the East Fork Wood River to ground water (tributary to East Fork Wood River) for water right 37-22755.

Hydrologic analysis was included and indicated that pumping from the proposed well will potentially yield a stream depletion volume of 95.5%, exceeding the Department guideline of a 50% reduction in the original source in less than a 24 hour period.

- **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.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

MEMORANDUM

DATE: NOVEMBER 1, 2013

TO: BILL MILLS

FROM: JEFF COOPER

RE: STREAM DEPLETION ANALYSIS (MEDINA OVERLAKE LLC TRANSFER)

Analysis shows approximate stream response of approximately 95% within 24 h (figure 1). Variable values utilized in the applicant's analysis appears to be reasonable, based on the information provided.

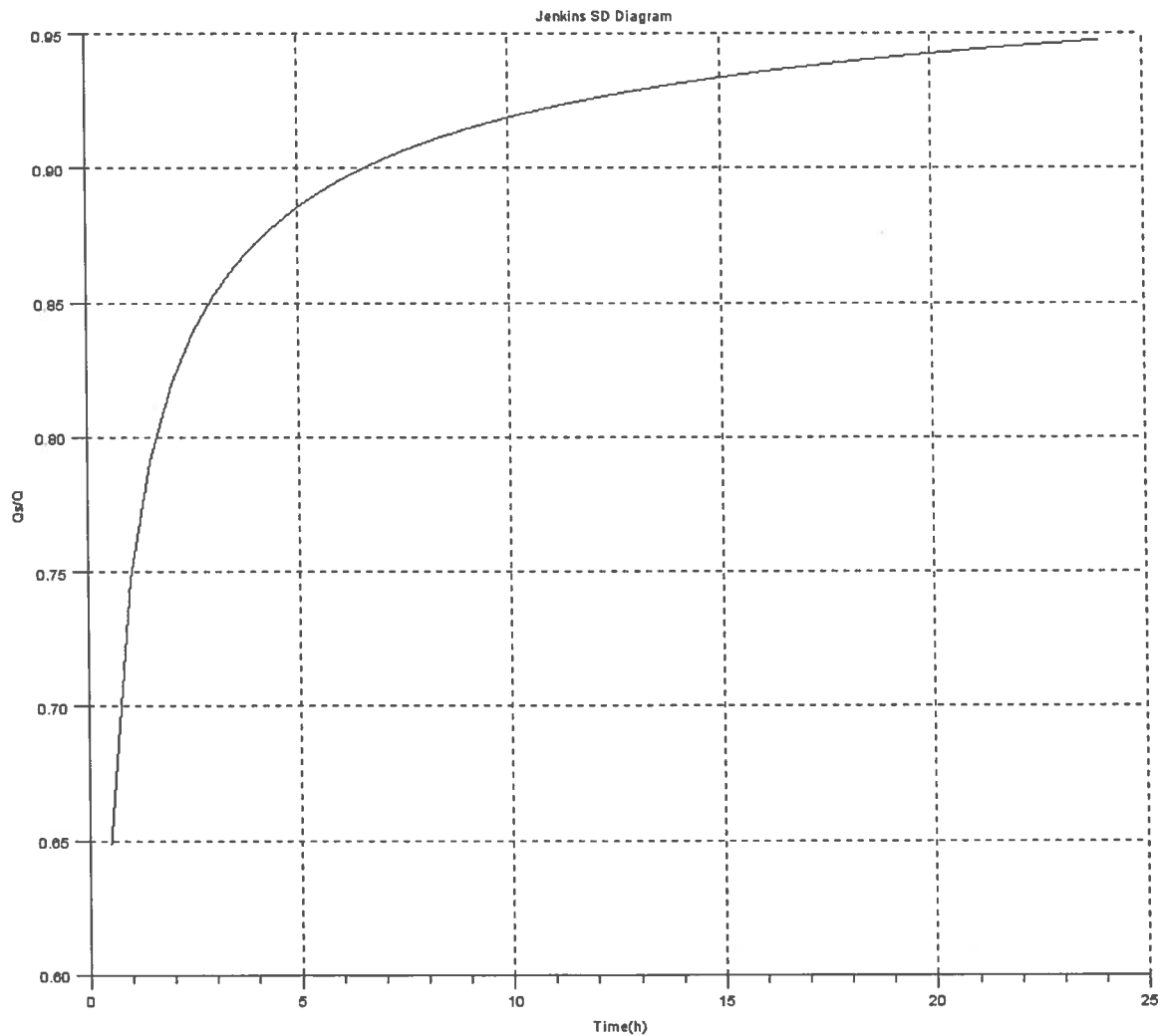


Figure 1. Jenkins Stream Depletion Analysis Results for Medina Overlake Transfer