

AMENDED

OCT 17 2013
DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 37-22779

1. Name of applicant(s) Carol F. and Robert G. Stevens Phone 208 726 8839
Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address: P.O. Box 308 City Ketchum

State Idaho Zip 83340 Email: rgraystevens@cox.net

2. Source of water supply Ground Water which is a tributary of _____

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
5N	17E	23			NW	NE	Blaine	Ground Water	Stevens Ag Well

4. Water will be used for the following purposes:

Amount 0.26cfs, 38.7af for _____ Irrigation _____ purposes from 4-15 to 10-31 (both dates inclusive)
(cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) 0.26 cubic feet per second (cfs) and/or (b) 38.7 acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. _____
Existing well

b. Height of storage dam NA feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.

For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No

c. Proposed well diameter is Existing 8 inch inches; proposed depth of well is Existing 80 feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No

e. If well is already drilled, when? 1980; drilling firm Ray Roessler
Well was drilled for (well owner) Robert G Stevens; Drilling Permit No. _____

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households _____

e. Other; describe fully. _____

AMENDED

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	17E	14									12.9								12.9

Total number of acres to be irrigated: 12.9

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? Application is for irrigation only. Ground Water right 37-21427 with priority of 3/14/1980 is utilized from the same well as this proposed permit. The purpose of this permit with mitigation is to improve secure an adequate groundwater irrigation supply mitigated with an earlier priority surface right.
10. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. See attached narrative which outlines the proposed mitigation plan for groundwater use utilizing shares of the Eagle Creek Irrigation Company.
12. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

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.

Charles E. Brockway (owner & attorney)
 Signature of Applicant
Charles E. Brockway
 Print Name (and title, if applicable)

 Signature of Applicant

 Print Name (and title, if applicable)

For Department Use:

Received by _____ Date 10/17/2013 Time _____ Preliminary check by _____

Fee \$ 7 Received by _____ Receipt No. _____ Date _____

See original



0 75 150 300 Feet

**STEVENS, ROBERT
PROPOSED PERMIT MAP
NAIP 2011 AERIAL**

FIGURE #2

**BROCKWAY ENGINEERING, PLLC.
ALR - OCT. 14, 2013**

Legend

-  Permit_POD
-  Permit_POU
-  Stevens_Parcels
-  twnshp
-  Section_Lines
-  ladesc

RECEIVED
AUG 29 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

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State Idaho Zip 83340 Email: rgraystevens@cox.net

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Well was drilled for (well owner) Robert G Stevens; Drilling Permit No. _____

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			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	17E	23									12.9								12.9

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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.

Carol F. Stevens

Signature of Applicant

Carol F. Stevens
Print Name (and title, if applicable)

Robert A. Stevens

Signature of Applicant

Robert A. Stevens
Print Name (and title, if applicable)

For Department Use:

Received by J. COOPER Date 8/30/2012 Time _____ Preliminary check by _____
Fee \$ 250.00 Receipted by J. COOPER Receipt No. 5032760 Date 8/30/2012

RECEIVED**AUG 29 2012**DEPT. OF WATER RESOURCES
SOUTHERN REGION

June 22, 2012

Mr. Bob Stevens
P.O. Box 308
Ketchum, ID 83340

RE: *Eagle Creek Irrigation Company / Mitigation for Ground Water Pumping*

Dear Bob:

This letter will confirm for you action taken by the Board of Directors of Eagle Creek Irrigation Company at its meeting on October 4, 2011. We understand you presently irrigate thirteen acres of your property with Water Rights Nos. 37-21427 and 37-21428. You are also the owner of fourteen shares of stock in the Company and those shares represent the right for you to use the proportionate share of the Company's Eagle Creek water right for irrigation of the same land. Rather than irrigate your land directly with the Company's water right, you have proposed that the portion of that water right represented by your fourteen shares of stock be, instead, delivered directly into the Big Wood river as mitigation for your use of your groundwater rights throughout the irrigation season. The Board of Directors voted to approve your request at the above-referenced meeting.

Please call me if you have any questions. Thank you.

Eagle Creek Irrigation Company

By: Ev Davis 6-30-2012
Ev Davis, President

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

8/29/2012

WATER RIGHT NO. 37-863E

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EAGLE CREEK IRRIGATION CO C/O EVERETT DAVIS PO BOX 1965 SUN VALLEY, ID 83353
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Original Owner	ARTHUR J WINSLOW

Priority Date: 10/06/1902

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
EAGLE CREEK	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	4.56 CFS	
Total Diversion			4.56 CFS	

Location of Point(s) of Diversion:

EAGLE CREEK	NWNWNW	Sec. 13	Township 05N	Range 17E	BLAINE County
EAGLE CREEK	NENENE	Sec. 14	Township 05N	Range 17E	BLAINE County
EAGLE CREEK	SWNENE	Sec. 14	Township 05N	Range 17E	BLAINE County
EAGLE CREEK	NESWNE	Sec. 14	Township 05N	Range 17E	BLAINE County
EAGLE CREEK	NESWNE	Sec. 14	Township 05N	Range 17E	BLAINE County
EAGLE CREEK	SWSWNE	Sec. 14	Township 05N	Range 17E	BLAINE County
EAGLE CREEK	SWSWNE	Sec. 14	Township 05N	Range 17E	BLAINE County
EAGLE CREEK	SWSWNE	Sec. 14	Township 05N	Range 17E	BLAINE County
EAGLE CREEK	NENESW	Sec. 14	Township 05N	Range 17E	BLAINE County
EAGLE CREEK	SENWSW	Sec. 14	Township 05N	Range 17E	BLAINE County
EAGLE CREEK	SENWSW	Sec. 14	Township 05N	Range 17E	BLAINE County

Place(s) of use: Large POU Info

Conditions of Approval:

1. 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.
2. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3. 188 This right is limited to the irrigation of 143.9 acres within the boundary of the Eagle Creek Irrigation Company which is comprised of portions of HES 129 and HES 329.
4. U42 Place of use does not include federal public lands.

Dates:

Other Information:

State or Federal:

Owner Name Connector: AND/OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

INCORPORATED UNDER THE LAWS OF

THE STATE OF IDAHO

No 16 Shares 14

EAGLE CREEK IRRIGATION COMPANY
A Mutual Non-Profit Company

Capital stock - 207 shares - No par value assessable
Each share entitles the owner to receive .02 of a cubic foot of water per second of time per acre or one Miner's inch when available from the waters of Eagle Creek.

THIS CERTIFIES THAT

FOURTEEN Shares of the Capital Stock of

EAGLE CREEK IRRIGATION COMPANY

transferable only on the books of the Corporation by the holder hereof in person or by Attorney upon surrender of this Certificate properly endorsed.

In Witness Whereof, the said Corporation has caused this Certificate to be signed by its duly authorized officers and to be sealed with the Seal of the Corporation

this 14 day of November 1916

Ralph W. Thomas
Secretary

John J. F. Johnson
President

SHARES
NO PAR
EACH.

© GOES 53



0 0.125 0.25 0.5 Miles

**STEVENS, ROBERT
EAGLE CREEK TO LAKE CREEK
NAIP 2011 AERIAL**

FIGURE #1

**BROCKWAY ENGINEERING, PLLC.
ALR - JULY 3, 2012**

Legend
Stevens_Parcels
first
ladesc
twrshp





0 75 150 300 Feet

**STEVENS, ROBERT
2011 IRRIGATION ANALYSIS
NAIP 2011 AERIAL**

FIGURE #2

**BROCKWAY ENGINEERING, PLLC.
ALR - AUG. 21, 2012**

Legend

- Rec_WR_POD
- Stevens_Parcels
- Rec_WR_POU
- ladeso
- Section_Lines



T05NR17E011

T05NR17E014

Stevens - South Eagle Creek
Eagle Creek Irrigation Co. Service Area
NAIP 2011 Aerial

BROCKWAY ENGINEERING, PLLC.
ALR - Aug. 29, 2012

FIGURE #3

Legend

- | | |
|---|--|
|  twshp |  Stevens_Parcels |
|  first |  prcldata |
|  lades |  Eagle Creek Irr Co 37-863E |



37-22779

RECEIVED

AUG 29 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
POWER OF ATTORNEY

The Undersigned holder(s) of Permit/Application No. 37-21427 and pending permits, of the Department of Water Resources of the State of Idaho hereby nominates Charles E. Brockway, whose address is: 2016 North Washington Street, Twin Falls, Idaho 83301, as attorney-in-fact, with full authority to act for and on behalf of the undersigned in all matters pertaining to the above numbered permit or application. Such acts shall include, but not be limited to, the filing of application, receiving of all notices, the signing and filing of applications for extension of time and for amendments of said permits, and the submission of proofs of completion of works and beneficial use of water.

Dated this 22 day of August, 2012

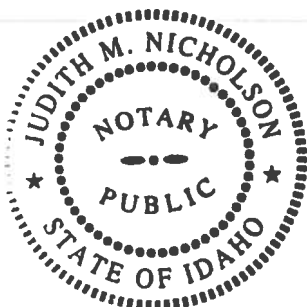
Carol F. Stevens
Carol F. Stevens

Robert G. Stevens
Robert G. Stevens

State of Idaho)
County of Blaine) S.S.
Twin Falls

On this 22 day of August, in the year of 2012, before me, a Notary Public, personally appeared Carol F. & Robert G. Stevens, proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged that he (she) (they) executed the same.

S
E
A
L



Judith M. Nicholson
Notary Public
In and for said State and County

8/11/2017
My Commission Expires on
Residing in Her/leg

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.

37-22779

FORWARD THE WHITE COPY TO THE DEPARTMENT

Maline, Denise

From: Maline, Denise
Sent: Friday, November 01, 2013 9:28 AM
To: 'Kevin Lakey'
Subject: Comment Letter for 37-22779 & 78865
Attachments: Comment Letter to Kevin Lakey.pdf; Transfer App 78865.pdf; App. for Permit 37-22779.pdf

Dear Kevin,

Attached please find a cover letter, recommendation forms, and a copy of Transfer 78865 and Application for Permit 37-22779.

Please review the attached information and provide any necessary comments within 21 days. And as always, 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 1, 2013

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

Via e-mail

RE: Application for Permit No. 37-22779

RE: Transfer No. 78865
Water Right No(s). 37-21121, 37-21122

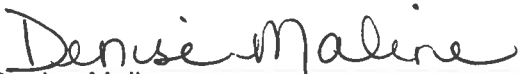
Dear Mr. Lakey:

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)



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

October 31, 2013

ROBERT G STEVENS
CAROL F STEVENS
PO BOX 308
KETCHUM, ID 83340

RE: Application For Permit No. 37-22779

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the **IDAHO MOUNTAIN EXPRESS on 11/6/2013 and 11/13/2013**. Protests to this application may be submitted for a period ending ten (10) days after the second publication **(November 25, 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 permit.

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

Sincerely,

Denise Maline
Administrative Assistant

cc:

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

Maline, Denise

From: Maline, Denise
Sent: Thursday, October 31, 2013 1:06 PM
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 November 6th & 13th, 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
Idaho Dept of Water Resources, Southern Region
1341 Fillmore St, Suite 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

October 31, 2013

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

RE: Application For Permit No.(s): 37-22779 & 37-22847

RE: Transfer No. 78865
Water Right No(s): 37-21121, 37-21122

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 November 25, 2013. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

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

37-22779

ROBERT G STEVENS

CAROL F STEVENS

PO BOX 308

KETCHUM, ID 83340

Point of Diversion NWNE S23 T05N R17E BLAINE County Source GROUND WATER Tributary

Use: IRRIGATION 04/15 to 10/31 0.26 CFS

Total Diversion: 0.26 CFS

Date Filed: 8/29/2012

Place Of Use: IRRIGATION

T05N R17E S14 NESW

Total Acres: 12.9

It is proposed that the 0.41 CFS allowed diversion from Eagle Creek under water right 37-863E (Eagle Creek Irrigation Co.), with a priority of 10-6-1902, be dedicated to mitigation for the proposed appropriation. This 0.41 CFS portion of right 37-863E (0.08 CFS) will continue to be diverted into the high ditch of the Eagle Creek Irrigation Co. for conveyance loss to users in that delivery system and the remaining portion (0.33 CFS) will not be diverted at any authorized Eagle Creek Irrigation Co. point of diversion (POD) under right 37-863E, but left in the natural channel to mitigate for the aquifer depletion attributable to this application. Note that right 37-863E historically irrigated the same ground as this application proposes to irrigate. Also, rights 37-21427 (0.21 CFS) & 37-21428 (0.01 CFS), with a priority of 3-14-1980 and diverted from groundwater, also irrigates the same 12.9 acres and from the same well proposed under this application. Please note that the proposed appropriation occurs on property owned by the applicant within the following legal description: HES no. 129.

37-22847

TOM R NORRIS

2351 CLAY ST, STE 510

SAN FRANCISCO, CA 94115

Point of Diversion NESE S7 T03N R18E BLAINE County Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 10/21/2013

Place Of Use: DOMESTIC

T03N R18E S7 NESE

Application seeks to appropriate 0.04 cfs of ground water from an existing domestic well for domestic use on Lot 2B of Little Makawao Subdivision located northeast of the Highway 75 & East Fork Road intersection approximately 5.2 miles south and 0.8 miles east of the center of Ketchum. The domestic use (limited to 13,000 gpd) includes water for in-house use for 1 home, evaporative losses associated with the expansion of an existing pond on the property, and irrigation of no more than 0.44 acre.

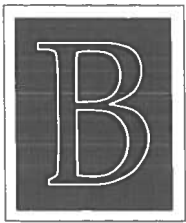
NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 78865

CHRISTOPHER MANNINO, 5206 VALLEY VIEW RD, RANCHO PALOS VERDES, CA 90275; has filed Application No. 78865 for changes to the following water rights within BLAINE County(s): Right No(s). 37-21121, 37-21122. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the point of diversion (POD) for two Big Wood River irrigation rights, currently authorized to divert 3.6 CFS at the Bannon #49 ditch headgate, located approximately 2.0 mi. S & 0.2 mi. W of Bellevue. Application proposes to divert this water from the Glendale #50 ditch headgate, located approximately 0.2 downstream of the Bannon #49 ditch headgate.

Permits will be subject to all prior water rights. For additional information concerning 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. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before November 25, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on November 6th & 13th, 2013



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

AUG 29 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

August 29, 2012

Allen Merritt
Idaho Department of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380

Re: Carol F. and Robert G. Stevens

Dear Mr. Merritt:

Brockway Engineering is submitting a ground water permit on behalf of Carol F. and Robert G. Stevens. Mr. and Mrs. Stevens would like to mitigate for this ground water permit with shares of Eagle Creek Irrigation Company. Please see attached Mitigation plan for permit for full details as well as supporting documents.

We would like to mention that in processing this permit we came across a PLS error. We discussed this error with Michael Ciscell of the IDWR State office. Michael has spoke with BLM in regards to the discrepancy as well. We believe we are operating under the correct PLS which is the same PLS that BLM is using. However, there has not been a firm resolution on this issue. It appears that Blaine County is using a PLS similar to IDWR. A firm resolution to this issue would be welcomed.

If you have any questions or concerns please feel free to contact us at (208) 736-8543.

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

CHARLES G.
BROCKWAY,
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208•736•8543

FAX: 736•8506

Sincerely,

Charles E. Brockway PhD, PE

Cc: Robert Stevens

Enc: Application for Ground Water Permit, Aerial Maps(Figure 1, 2,& 3), A Letter from President of Eagle Creek Irrigation company (Exhibit 1), Eagle creek Shares certificate, Supporting Narrative, Power of Attorney & Well drillers log,

AUG 29 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Carol F. and Robert G. Stevens- Mitigation Plan for Permit

To: Mr. Allen Merritt, IDWR Southern Region Office
From: Charles E. Brockway, Zach Latham
Cc:
Date: August 29, 2012
Re: Stevens Water Right Permit Application- Ground Water Permit with
Surface Water Mitigation

This memo serves as a mitigation plan for the ground water permit filed on behalf of Carol F. and Robert G. Stevens which proposes that water from Eagle Creek, which is tributary to the Big Wood River, would be utilized to mitigate for ground water pumping for irrigation. Mr. Stevens owns 14 shares of Eagle Creek Irrigation Company (see attached Certificate) under water right 37-00863E which are being offered as mitigation for a concurrently filed permit which seeks to allow ground water diversion of 0.26 cfs (117gpm) for irrigation of 12.9 acres on the Stevens property north of Ketchum Blaine County, Idaho (Figure 1). Ground water right 37-21427 is also owned by Carol F. and Robert G. Stevens, and water used for irrigation is diverted from an existing well in the SWSE T.05N R.17E SEC.14 on the Stevens property. The discharge rate on ground water right 37-21427 is 0.21 cfs for irrigation of 12.4 acres with a decreed priority date of 3/14/1980. The Stevens also own ground water right 37-21428 which has a discharge rate of 0.01 cfs for irrigation of 0.6 acres. Both water rights have been recommended to the SRBA court for irrigation use on the property.

The Eagle Creek Irrigation Co. water right, 37-00863E is partially decreed in the SRBA for 143.9 acres within the Eagle Creek Irrigation Co service area which includes the Stevens property (Figure 3). This water right has a discharge rate of 4.56 cfs or 0.032 cfs/acre (1.6 miners inches/acre)

Surface water right 37-00863E is currently recommended in the SRBA with a priority date of 10/06/1902, with 4.56 cfs authorized to be diverted from the Big Wood River from 4/15 through 10/31 for the irrigation of 143.9 acres on the Eagle Creek Irrigation Company service area. Water right 37-00863E has historically been diverted from Eagle Creek into two canals, the upstream (high canal) has historically transported water to the Stevens property. The high canal has been terminated by the construction of a home over the canal right of way and it is no longer possible to deliver irrigation water to the Stevens property. Therefore, a permit is being filed on behalf of the Stevens which proposes to forgo diversion of 0.41 cfs or 14 shares, (12.9ac. Irr. Stevens/143.9ac. Irr. Eagle Creek *4.56cfs) of the Eagle Creek Irrigation Co. water right 37-00863E as mitigation for the diversion of 0.26 cfs from the existing well listed under 37-21427 on the Stevens property. Because the surface water conveyance ditch is inoperable and cannot physically allow delivery of water right 37-00863E to the Stevens property, mitigation of ground water extraction using the 37-00863E right is required. Under this permit, water would

no longer be diverted to the Stevens' from Eagle Creek at the point of diversion at the high ditch associated with water right 37-00863E. Exhibit 1 is a letter from Mr. Ev. Davis, President of the Eagle Creek Irrigation Co. which authorizes the utilization of 14 shares of the Company belonging to Stevens' for mitigation for the proposed groundwater diversion.

IDWR will allow the use of surface water for mitigation of ground water withdrawal in instances where surface water delivery is unavailable, leaving the owner of the water right no other option but to apply for a permit to divert ground water as the primary means of delivery. This assumes that the proposed mitigation does, in fact, fully mitigate for any change in ground water withdrawal.

The Stevens property is located on the south side of the Big Wood River Valley south of Eagle Creek and more specifically it is in the SWSE Section 14 NWNE Section 23 T05N R17E (Figure 1). The existing well from which water right 37-21427 is diverted is located on the property as shown on the accompanying aerial photograph (Figure 2). The NAIP 2011 aerial photo shows approximately 12.9 acres of the property either currently or previously irrigated (Figure 2). The well has been utilized for irrigation because the surface water right cannot be secured. The diversion rate for the irrigated area is proposed to be limited to about 9 gpm/acre which a reasonable rate for sprinkler irrigation on these soils. It is therefore proposed that a ground water permit with mitigation be approved with a discharge rate of 0.26 cfs and the acre limit of 12.9 acres.

The net effect of the proposed permit and mitigation is to essentially maintain the water balance in the aquifer relative to the ground water use. There may be a concern for a decrease in carrying water in the high ditch of the Eagle Creek Irrigation Co. as a result of decreasing the diversion by .41 cfs. Losses in the high ditch down to the Stevens property are estimated to be not more than 20 percent of the diverted discharge. Therefore, it is proposed to leave 20 percent of the authorized diversion or .08 cfs in the high ditch to maintain remaining water rights equal to the historical flow. This provides an additional 0.33 cfs in Eagle Creek and the Big Wood River.

Stevens will provide the full 0.41 cfs of the surface water right for mitigation of the ground water diversion by leaving the 11.3 shares in Eagle Creek for transport downstream to the Big Wood River and by leaving 2.7 shares to be diverted into the high ditch. The total discharge rate of 0.41cfs (11.3 +2.7shares) is the proportionate share of the Eagle Creek Irrigation Co. right applicable to the 14 shares belonging to Stevens or the proportionate share of 12.9 acres to 143.9 acres under the Eagle Creek Irrigation Co water right 37-00863E. This mitigation procedure will provide additional water in Eagle Creek and the Big Wood River and is consistent with IDWR policy to assure no injury to remaining users in Eagle Creek or Big Wood River. This leaves an additional 0.08 cfs(.41-.33 cfs) in Eagle Creek from the high ditch diversion downstream to the Big Wood River and in the Big Wood River from the confluence with Eagle Creek downstream to at least Lake Creek and decreases the decreed water right diversion from 0.41 to 0.26 cfs or a 37 percent reduction in diversion. This decrease in diversion rate provides additional flow in the Big Wood River and enhances the river discharge from Eagle Creek downstream. There are no irrigation diversions from the Big Wood River from the confluence of Eagle Creek downstream to Lake Creek which is the river reach within which any ground water depletion would impact the river.

The historical ground water diversion at the Steven's well under water right 37-22427 is assumed to be equal to the decreed discharge rate of 0.21 cfs and the historical net aquifer depletion is assumed to be equal to the consumptive use on pasture grass at Hailey Ranger Station of 500 mm/year or 1.64 af/a on 12.9 acres or 21.16 acre feet per year total.

Deferring diversion of 0.33 cfs over a 160 day irrigation season leaves 104.5 additional acre feet in Eagle Creek and the Big Wood River.

Stevens have been irrigating from the ground water well (water right 37-21427) about 12.9 acres since about 1980 resulting in the net depletion from the aquifer of 21.16 acre feet per year. Increasing the proposed diversion from the well to 0.26 cfs from the 0.21 cfs allowed under 37-21427 will not increase net aquifer depletion over the historical depletion of 21.16 acre feet since the total irrigated acreage will not be increased. Any water pumped in excess of the current and historical consumptive use will return to the aquifer. The net historical depletion of the aquifer from pumping of the Stevens' well since 1980 and proposed depletion with this proposed permit (21.16) is a small percentage of aquifer flow. The impact of that magnitude of depletion cannot be modeled. The increase in diversion rate to 0.26 cfs will allow some flexibility in irrigation management on the property but provide only 0.02 cfs/acre (1.0 miners inches/acre).

The aquifer underlying the Stevens property is the alluvial system of the Big Wood River. Big Wood River gains water from the aquifer from North Fork downstream to Lake Creek. Water table contours show the downstream gradient in the aquifer which supports the gaining reach measurements and the opinion that the proposed pumping at the Stevens property and the proposed mitigation will not impact existing diversions and can enter the Big Wood River prior to any irrigation diversions.

Mitigation of the proposed ground water permit with the 10/06/1902 water right from Eagle Creek will improve the priority of the right and assure that irrigation can occur from the well at the 0.26 cfs rate whenever the 37-00863E water right is in priority. It should be noted that Eagle Creek has been designated in the SRBA as a 'dry stream' and is not to be administered in priority with Big Wood River water rights. It is proposed that the 0.41 cfs allowed diversion under the 14 shares of water right 37-00863E be dedicated to mitigation of ground water pumping under this permit and mitigation of high ditch carrying water. A reasonable rate of loss in the high ditch is twenty (20%) percent of the 0.41cfs or 0.08 cfs. The 0.08 cfs would be dedicated to carrying water in the high ditch with 0.33 cfs remaining in Eagle Creek and flowing downstream to the Big Wood River. The seepage loss of 0.08 cfs, which would amount to about 25.3 af during a 160 day irrigation season would enter the aquifer immediately up-gradient of the Steven's well and would, in effect, mitigate for much of the aquifer depletion attributable to the Steven's ground water diversion.

The 0.33 cfs left in Eagle Creek would not be diverted by junior surface water right holders This assures that the additional flow in the Big Wood River is utilized to meet senior water rights downstream.

Water use for irrigation from the existing well would be measured and an acceptable flow meter would be installed on the well.

The existing ground water right 37-21427 will not be withdrawn. This decreed ground water right will allow continued extraction from the aquifer in case there are any concerns about local aquifer impacts attributable to the new permit which will be valid for diversion anytime the surface water right 37-00863E is in priority.