

RECEIVED

JUL 30 2013

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

Transfer No.

78756

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.
- ☒ ☐ #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).
- ☐ ☒ #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/water/rights/>.
- ☐ ☒ #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.)
- ☐ ☒ #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: _____

WITHDRAWN
4/14/2014SCANNED
OCT 01 2013

RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78756

SEP 30 2013

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1EPT. OF WATER RESOURCES
SOUTHERN REGIONName of Applicant(s) Window Rock Ranch LLC Phone (801) 246-5329Mailing address PO BOX 3028 SALT LAKE CITY, UT 84110 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative Greg Sullivan of Brockway Engineering Phone 208-736-8543Mailing address 2016 North Washington Street, Suite 4 Twin Falls Idaho 83301 Email greg.sullivan@brockwayeng.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

Charles E. Brockway Power Attorney 9/30/2013
Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. Transfer 37-885B to a new POU and stack 37-885B with 37-8209. Correct location of POD and update irrigation POU. The two water rights will be limited to 58.0 acres of irrigation.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78756

RECEIVED

JUL 30 2013

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant(s) Eccles Flying Hat Ranch LLC Phone (801) 246-5329

Mailing address PO BOX 3028 SALT LAKE CITY, UT 84110 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.
☐ No Representative

Name of Representative Greg Sullivan of Brockway Engineering Phone 208-736-8543

Mailing address 2016 North Washington Street, Suite 4 Twin Falls Idaho 83301 Email greg.sullivan@brockwayeng.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	<u>Charles E. Brockway</u> Print Name and Title if applicable <u>Power of Attorney</u>	<u>7/26/2013</u> Date
_____ Signature of Applicant or Authorized Representative	_____ Print Name and Title if applicable	_____ Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2. Transfer 37-885B to a new POU and stack 37-885B with 37-8209. Correct location of POD and update irrigation POU. The two water rights will be limited to 58.0 acres of irrigation.**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	37-8209	1.16/203	Irrigation	4/15 to 10/15	Ground Water
☒ ☐	37-885B	0.56/98	Irrigation	4/15 to 10/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.72 cfs and/or 301 ac-ft

2. Total amount of water proposed to be transferred or changed 0.56 cubic feet per second and/or 98 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 #
			NW	NE	12	01N	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	
01N	18E	12		28			30												58.0

Total Acres (for irrigation use) 58.0

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: Existing well, main lines, sprinkler system.

- b. Who owns the property at the point(s) of diversion? Eccles Window Rock Ranch

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: N/A

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: _____
No change to the lands to be irrigated.

- 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: _____

37-8209 and 37-885B

These two water rights will be stacked and limited to 58.0 acres of irrigation.

- 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: _____

Total Acres (for irrigation use) _____

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

Current Water Right No.: 37-885B

Current Owner: ECCLES FLYING HAT RANCH LLC

Priority Date: 7/1/1883

Origin: Adjudication Recommendation

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.56 CFS	
	<u>Total Diversion</u>	0.56 CFS	98 AF

Location of Point(s) of Diversion

GROUND WATER
BLAINE County

NW1/4SE1/4 Sec. 26, Twp 02N, Rge 18E B.M.

Place of Use

IRRIGATION Within BLAINE County

T02N R18E S26	NWSE	28.00
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Total Acres: 28

Conditions of Approval:

1. R30 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. The portion of Right No. 37-885B described as 0.77 cfs and 7.0 acres has been relinquished through approval of Transfer No. 4480.
5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
6. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
8. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
9. Use of water under Right No. 37-885B is limited to those times when water is available to fill the right at the original point of diversion from the Big Wood River within the NWSE, S26, T02N, R18E, as determined by the watermaster.

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

Current Water Right No.: 37-8209

Current Owner: ECCLES WINDOW ROCK RANCH LLC

Priority Date: 4/11/1985

Origin: Water Right

Status: Active

Basis:	License
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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	1.16 CFS	203 AF
	<u>Total Diversion</u>	1.16 CFS	203 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NE1/4 Sec. 12, Twp 01N, Rge 18E B.M.
BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T01N R18E S12	NWNE	34.00	T01N R18E S12	NENW	24.00
Total Acres: 58					

Conditions of Approval:

1. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
3. 052 Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

Licensed Date: 6/11/1998

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

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

1. 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.: _____

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and _____ attachments.

Received by _____ Date 7-30-2013 Prelim. Check by _____ Date _____

Fee Paid \$500.00 Date 7/31/13 Received by ADN Receipt # 5033425

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



0 162.5 325 650 Feet

**ECCLES WINDOW ROCK RANCH
PROPOSED TRANSFER 37-885B, 28 ACRES
NAIP 2011 AERIAL**

Legend

- 37-8209_WR_POU
- Proposed POd
- Proposed POU 28 acres
- Section_Lines
- QQ lines



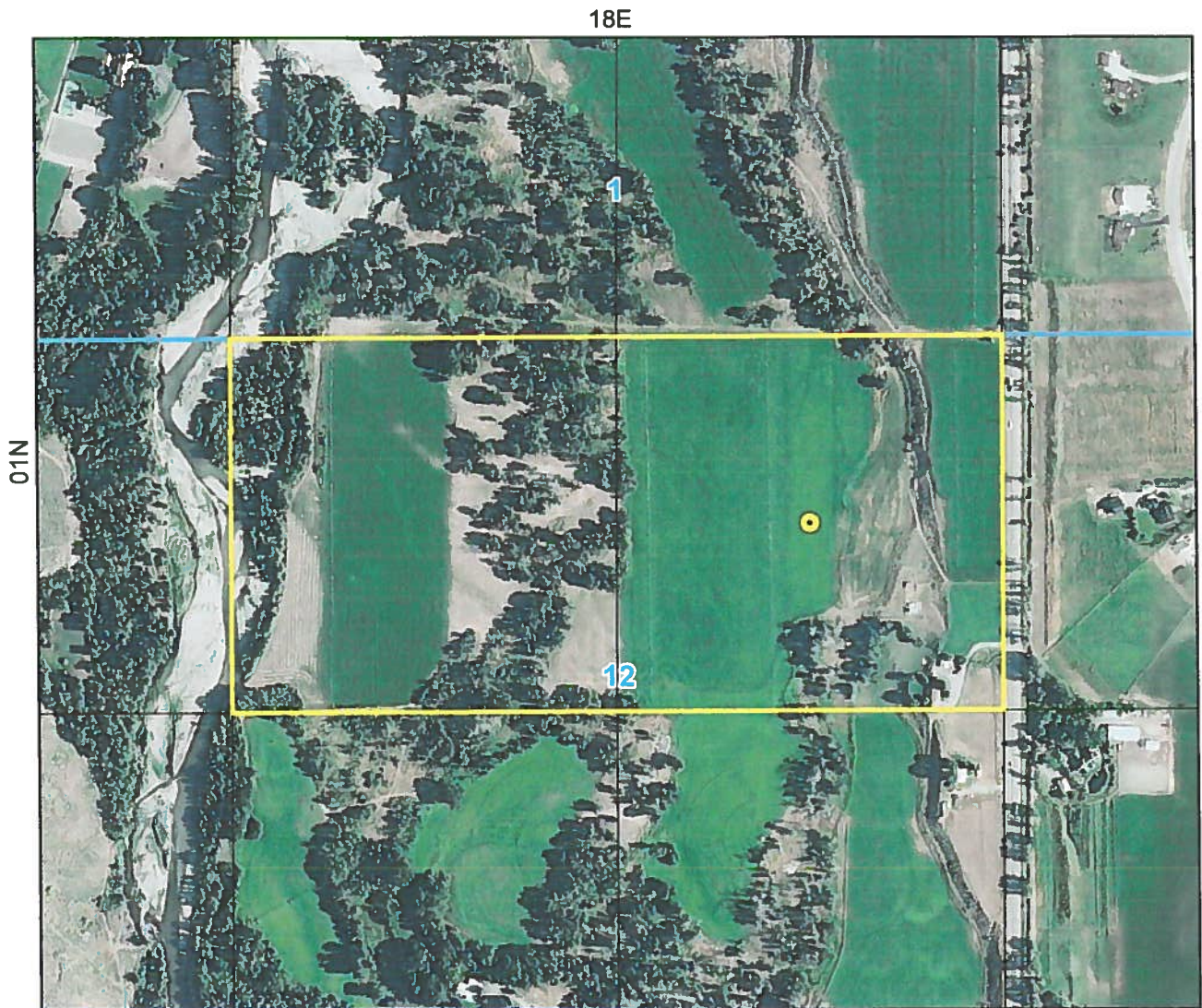
State of Idaho
Department of Water Resources

Water Right

37-8209

IRRIGATION

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



● Point of Diversion

Place Of Use Boundary

Townships

PLS Sections

Quarter Quarters

Taxlots

0 0.075 0.15 0.3 Miles

TRANSFER 78756



State of Idaho
Department of Water Resources

Water Right
37-885B

IRRIGATION

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



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

0 0.045 0.09 0.18 Miles

TRANSFER 78756



Instrument # 606043

HAILEY, BLAINE, IDAHO
01-31-2013 3:07:02 PM No. of Pages: 1
Recorded for: BLAINE COUNTY TITLE
JOLYNN DRAGE Fee: \$10.00
Ex-Officio Recorder Deputy: JB
Electronically Recorded by Simplifile

QUITCLAIM DEED

For value received, ECCLES FLYING HAT RANCH, LLC, A Utah Limited Liability Company, as grantor hereby grants, releases, remises, and forever quitclaims unto ECCLES WINDOW ROCK RANCH, LLC, A Utah Limited Liability Company, the grantee whose current address is PO Box 3028, Salt Lake City, Utah 84110, all of the grantor's right, title, and interest in and to the following described water rights situated in Blaine County, Idaho, on record with the Idaho Department of Water Resources:

Water Right 37-885B, with a priority date of July 1, 1883, for 0.56 cfs, 98.0 afa and for the irrigation of 28.0 acres.

Grantor has caused this quitclaim deed to be executed this 28th day of January, 2013

By: Spencer F. Eccles

Spencer F. Eccles

Manager of Eccles Flying Hat Ranch, LLC, A Utah Limited Liability Company

State of Utah)
County of Salt Lake) S.S.

On this 28th day of January, in the year of 2013, before me, a Notary Public, personally appeared Spencer F. Eccles, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

Ellen A. Hammond

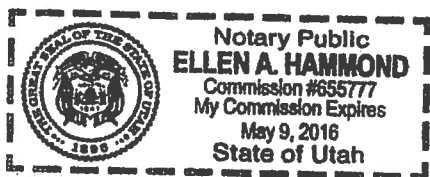
Notary Public

In and for said State and County

May 9, 2016

My Commission Expires on

S
E
A
L



TRANSFER 78756

TRANSFER 78756

EXHIBIT "A"

A PARCEL OF PROPERTY BEING ALL OF THE NE $\frac{1}{4}$ NW $\frac{1}{4}$ AND A PORTION OF THE NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 12, 1 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY IDAHO, more particularly described as follows:

COMMENCING at the N $\frac{1}{4}$ corner of said Section 12, said corner being the TRUE POINT OF BEGINNING; thence
N. 89° 03' 10" E., 1,315.20 feet along the north section line of said Section 12 to the westerly right-of-way or State Highway 75; thence
S. 0° 18' 00" E., 871.68 feet along said westerly right-of-way of State Highway 75; thence
S. 89° 11' 39" W., 341.50 feet; thence
S. 0° 26' 40" W., 125.00 feet; thence
S. 89° 11' 39" W., 201.87 feet; thence
S. 0° 26' 40" W., 320.00 feet to the southerly boundary of said NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12; thence
S. 89° 11' 39" W., 2,103.26 feet along said southerly boundary of NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the southerly boundary of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ to the SW corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12; thence
N. 0° 36' 03" W., 1,310.10 feet to the NW corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12; thence
N. 89° 03' 10" E., 1,337.26 feet along the northerly line of said Section 12 to the N $\frac{1}{4}$ corner of Section 12, said corner being the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM any portion of State Highway 75 lying therein.

No. W 15397	Due no later than May 31, 2013 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. ECCLES WINDOW ROCK RANCH LLC PO BOX 3028 SALT LAKE CITY UT 84110		JAMES B YOUNG 877 W. MAIN STREET, SUITE 800 BOISE ID 83702-5858			
			3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
MANAGER	SPENCER F ECCLES	79 S. MAIN STREET, 2ND FLR	SALT LAKE CITY	UT	USA	84111
5. Organized Under the Laws of: UT W 15397		6. Annual Report must be signed.* Signature: Spencer F. Eccles Name (type or print): Spencer F. Eccles Date: 03/21/2013 Title: Its: Manager				
Processed 03/21/2013		* Electronically provided signatures are accepted as original signatures.				

TRANSFER 78756

RECEIVED

SEP 30 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Spencer Eccles of Window Rock Ranch LLC, hereby nominate and appoint Charles E. Brockway as my attorney-in-fact with full authority to act for and on my behalf to undertake any and all acts or matters pertaining to water right transfers before the Idaho Department of Water Resources for the following water right transactions:

All water rights, applications and transactions pertaining to Window Rock Ranch.

in Blaine County, Idaho. Additionally, I hereby ratify and confirm any and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the applications, and transfers above-mentioned. Further, I hereby declare that each and every application, transfer, agreement, receipt, or payment which shall be by my said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these present. This Limited Power of Attorney will become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 27th day of September 2013.

Spencer F. Eccles
Signature

Signature

State of Idaho)

County of _____)

ss.

On this _____ Day of _____, 2013, before me, a Notary Public in and for said County and State, personally appeared _____, known or identified to me to be the individual whose name and subscription to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

ACKNOWLEDGMENT

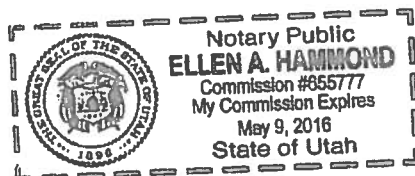
State of Utah
County of Salt Lake
On this 27 day of Sept, 2013, Spencer F. Eccles
personally appeared before me,
☒ who is personally known to me,

whose identity I verified on the basis of _____

whose identity I verified on the oath/affirmation of _____
a credible witness,
to be the signer of the foregoing document, and he/she acknowledged that
he/she signed it. Ellen G. Hammond
Notary Signature

My Commission Expires: May 9, 2016

S
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LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Spencer Eccles of Eccles Flying Hat Ranch, hereby nominate and appoint
Charles E. Brockway as my attorney-in-fact with full authority to
act for and on my behalf to undertake any and all acts or matters pertaining to water right
transfers before the Idaho Department of Water Resources for the following water right
transactions:

All water rights relating to Eccles Flying Hat Ranch.

in Blaine County, Idaho. Additionally, I hereby ratify and confirm any
and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said
instruments of writing that may be necessary or proper to carry into execution and effect the
applications, and transfers above-mentioned. Further, I hereby declare that each and every
application, transfer, agreement, receipt, or payment which shall be by my said agent given,
made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had
been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at
all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or
concerning the said premises by virtue of these present. This Limited Power of Attorney will
become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 4th day of March 2010.

Spencer Eccles

Signature

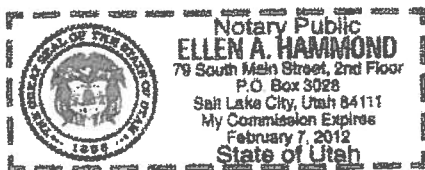
Signature

State of Idaho Utah)
County of Salt Lake) ss.

On this 4th Day of March, 2010, before me, a Notary Public
in and for said County and State, personally appeared SPENCER F. ECCLES,
known or identified to me to be the individual whose name and subscription to the within
instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year in this certificate first above written.

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Ellen A. Hammond

Notary Public

In and for said State and County

February 7, 2012

My Commission Expires

TRANSFER 78756



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

September 27, 2013

ECCLES WINDOW ROCK RANCH LLC
PO BOX 3028
SALT LAKE CITY, UT 84110

RE: Transfer No. 78756
Water Right No(s). 37-8209, 37-885B

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 10/2/2013 and 10/9/2013**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**October 21, 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:

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

Maline, Denise

From: Maline, Denise
Sent: Thursday, September 26, 2013 3:19 PM
To: Idaho Mountain Express
Subject: LEGAL NOTICE
Attachments: Idaho Mtn Express Cover Letter.docx; Idaho Mtn Express Ad.docx

Attached please find (1) legal notice being submitted for publication on October 2nd & 9th, 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

September 26, 2013

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

RE: Application For Permit No.(s): 37-22682, 37-22838

RE: Transfer No. 78755
Water Right No(s): 37-22764

RE: Transfer No. 78756
Water Right No(s): 37-8209, 37-885B

RE: Transfer No. 78777
Water Right No(s): 37-21260

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 October 21, 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:

37-22682

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 RNG 18E; Sections 31, 32 of TWP 01N RNG 19E; and Sections 5, 8, 9 of TWP 01S RNG 19E. 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 RNG 18E. The application continues to seek a POD at the Hiawatha Canal within Section 20 of TWP 03N RNG 18E and POU within the Hiawatha canal system within Sections 3, 4, 5, 9, 10, 15, 22, 23, of TWP 02N RNG 18E and Sections 20, 28, 29, 32, 33 of TWP 03N RNG 18E and continues to seek a POD in the Bypass Canal within Section 12 of TWP 01N RNG 18E.

Specific details for the amendment can be found at:

<http://www.idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/default.aspx>

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 analysis 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 proposes 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 priority 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 proposes 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), adjacent 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 consumptive 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 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 October 21, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on October 2nd & 9th, 2013

Maline, Denise

From: Maline, Denise
Sent: Thursday, September 26, 2013 4:34 PM
To: 'Kevin Lakey'
Subject: Comment Letters
Attachments: Comment Letter to WM37.pdf; 37-22682 App.pdf; 37-22838 App.pdf; 78755 App.pdf; 78756 App.pdf; 78777 App.pdf

Dear Kevin,

Attached please find a cover letter, recommendation forms, and a copies of various applications. A few notes regarding these applications:

37-22682 was previously reviewed & processed by the department, but has recently been amended to add additional Points of Diversion, etc.

Transfer 78756 shows the applicant listed as Eccles Flying Hat Ranch; however it should be Eccles Window Rock Ranch. We are in the process of getting a corrected document & name page for this transfer. All of the other information should be current.

Please review the attached information and provide any necessary comments within 21 days. 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

September 26, 2013

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

Via e-mail

RE: Application for Permit No. 37-22838, 37-22682 (re-advertisement)

RE: Transfer No. 78755
Water Right No(s): 37-22764

RE: Transfer No. 78756
Water Right No(s): 37-8209, 37-885B

RE: Transfer No. 78777
Water Right No(s): 37-21260

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.

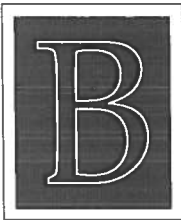
If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this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



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JUL 30 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

July 26, 2013

Allan Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Eccles Window Rock Ranch

Dear Mr. Merritt:

Eccles Window Rock Ranch proposes to transfer 28.0 acres of irrigation water to Township 1 North Range 18 East Section 12 which is south of Bellevue, Idaho. It is proposed to stack water right 37-885B and 37-8209 and limit the two water rights to 58.0 acres of irrigation.

The ownership of 37-885B will be changing to Eccles Window Rock Ranch. The beneficial use and period of use will not be changing. An existing well and delivery system are currently being used for irrigation on the property.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S.

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

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

Cc: Spencer Eccles, Marc Reinamann
Enc: Aerial Maps, Annual Report, Warranty Deeds, Check # 11536 for \$500.00

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506