

RECEIVED

AUG 05 2013

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

Transfer No. 78777

RECEIVED

AUG 14 2013

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 accepted by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78777

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED

AUG 14 2013

Name of Applicant(s) 2007 Terence J. Creighton Revocable Trust Phone _____
DEPT. OF WATER RESOURCES SOUTHERN REGION DEPT. OF WATER RESOURCES SOUTHERN REGION
Mailing address 1177 California St #825 San Francisco CA 94108 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**.

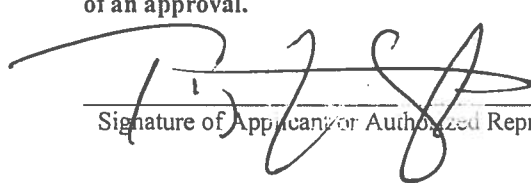
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ 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

Terence J. Creighton
Print Name and Title if applicable

6/21/13
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**. Create a 0.9 acre place of use for Wood River water right 37-21260. Utilize 0.1 acre to offset evaporation from 24 hour irrigation pond.

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 ☐ ☒	37-21260	0.03/	Irrigation	4/15 to 10/31	Big Wood & Malad River
☐ ☒	37-21260	/0.3	Aesthetic Storage	1/01 to 12/31	Big Wood & Malad River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.03/ cfs and/or ac-ft

2. Total amount of water proposed to be transferred or changed 0.03/ cubic feet per second and/or 0.3 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 #
		NE	SW	SE	32	03N	18E	Blaine	Big Wood River	

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	
03N	18E	32															0.9		0.9

Total Acres (for irrigation use) 0.9

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: An irrigation pump will be installed in a small 24 hour holding pond in the Purdum Slough.

- b. Who owns the property at the point(s) of diversion? Terence Creighton
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: _____
The land currently covered by these water rights will no longer 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: _____

A 1.5 acres portion of 37-21260 and all of 37-2158 & 37-21262 will remain at the current place of use.

No water rights are currently located at the proposed place of use.

A 0.01 cfs of 37-21260 will remain in the Comstock Ditch as conveyance water

- 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)	1.0
----------------------------------	-----

Page 5 of 7

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

Current Water Right No.: 37-21260

Current Owner: CHRISTIE A HAUGH

Priority Date: 11/12/1936

Origin: Adjudication Recommendation

Status: Active

Basis: Decreed

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 09/30

Diversion Rate

0.12 CFS

Annual Volume

Total Diversion

0.12 CFS

Location of Point(s) of Diversion

BIG WOOD RIVER

SW1/4SW1/4

Sec. 29, Twp 04N, Rge 18E B.M.

BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T03N R18E S6

SWNE

2.50

Total Acres: 2.5

Conditions of Approval:

1. The saved water shall be made available to the Rockwell By-Pass saved water right holders any time the Rockwell By-Pass is being used to deliver water to Broadford Slough right holders. The Rockwell saved water rights shall be curtailed when calls for senior water rights from the Broadford Slough cannot be delivered.
2. J01 Property is also known as lot 19A, Aspen Hollow Subdivision.
3. 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.
4. Rockwell By-Pass owners must maintain the by-pass for the entire length of the by-pass capable of carrying 17.36 cfs of water during the irrigation season.
5. Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from saved water in the Rockwell By-Pass, as established by and subject to the provisions included within the Rockwell vs. Coffin decree issued on 29 July, 1949.
6. S37 The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after September 30 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
7. This right when combined with all other rights listed herein 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.
8. E52 The rights listed below are limited to a total combined diversion rate of 0.12 cfs. Combined Right Nos.: 37-21258, 37-21260, and 37-21262.
9. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
10. E56 The rights listed below are limited to the irrigation of a combined total of 2.5 acres in a single irrigation season. Combined Right Nos.: 37-21258, 37-21260, and 37-21262.
11. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

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.)

- ☐ 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**.

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 7 pages and 0 attachments.

Received by DM Date 8-14-2013 Prelim. Check by _____ Date _____

Fee Paid \$ 450.00 Date 8/16/2013 Received by J Cooper Receipt # 5033471

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

T. 03N., R. 18E. SEC 6 SWNE



0 50 100 200 Feet

CREIGHTON, TERRY
37-21260 - ACRES PREVIOUSLY DRIED UP
NAIP 2004 AERIAL
TRANSFER 78777

BROCKWAY ENGINEERING, PLLC.
ALR - Aug. 30, 2013

Legend

- Pump
- Previously dried up
- Aspen_Hollow_Sub
- QQ Lines
- 37, 21260





0 62.5 125 250 Feet

**CREIGHTON, TERRY
TRANSFER MAP 2012
NAIP 2011 AERIAL**

TRANSFER 78777

Legend

-  Big Wood POD
-  Pond
-  Flying_Hat_LOT_21A
-  twrshp
-  Section_Lines
-  QQ Lines
-  Irrigation to 0.9 ac.





0 50 100 200 Feet

**CREIGHTON, TERRY
WATER RIGHT TRANSFER 1.0 AC.
NAIP 2011 AERIAL**

Legend

- Pump
- Aspen_Hollow_Sub
- QQ Lines
- Rec_WR_POU**
- 37, 21258
- 37, 21260
- Transferring 1.0 ac



Terry Creighton

Pond	Acres	Average Depth (ft)	Pond Volume AFA	Pond Evap AFA
				1.26 ft

1	0.2	3.0	0.6	0.3
---	-----	-----	-----	-----

0.2

0.6 0.3

Pasture Grass	
2.10 ft	
0.3 Acres	0.1 Acres

Acres needed to be dried up one time to fill the pond
Acres needed to be dried up permanently to offset Evaporation Losses

Acres identified as irrigated on Creighton's property

0.9 Acres

Total Acres Needed for Transfer

1.0 Acres

ORIGINAL

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT

THIS AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT is made and entered into this 25th day of February, 2013, by and between Christie A. Haugh (hereinafter referred to as "Seller"), and Terence Creighton (hereinafter "Buyer").

RECITALS:

WHEREAS, the Seller owns water rights 37-21260 ("water right"), which is appurtenant to the Seller's real property, Lot 19A, Aspen Hollow Subdivision, according to the official records of Blaine County, State of Idaho, and more particularly described in Exhibit "A" to this Agreement, attached hereto and incorporated herein by reference;

WHEREAS, the Buyers desire to purchase a portion of these water rights from the Seller in accordance with the terms herein below set forth; and

NOW THEREFORE, in consideration of the mutual covenants, promises and conditions set forth herein, it is agreed as follows:

ARTICLE I.

Sale of Water Right.

1.1. The Seller agrees to sell and convey, and the Buyers agree to buy a portion of water right 37-21260 ("water rights"), to-wit, one (1) irrigable acre of the water rights, more particularly described in Exhibit "A" to this Agreement, attached hereto and incorporated herein by reference.

ARTICLE II.

Purchase Price.

2.1. The purchase price shall be [REDACTED] for one (1) irrigable acre, approved for transfer by the Idaho Department of Water Resources ("IDWR"). Payment shall be contingent upon approval by the IDWR of a transfer of the water rights to a property of the Buyers' choosing. [For example, if IDWR approves the transfer of 0.90 acres, then the price owed would be [REDACTED]]. Payment shall be made within fifteen (15) days of approval of the transfer, and said payment may be made to the Haemmerle & Haemmerle, Trust Account, and if hand delivered then to 400 S. Main St., P.O. Hailey, Idaho 83333, or if by mail then to P.O. Box 1800, Hailey, Idaho 83333.

2.2. Other than approval of the transfer by IDWR, there are not contingencies for the sale.

2.3. Seller herein acknowledges that the sale and transfer described by this Agreement shall include the primary water right along with any and all staked water right(s), associated with the primary water right. "Stacked water rights" are defined as any water rights that are used in combination with the primary water right. If there are stacked water right(s), the purchase price shall only include the value of the primary water right, and the purchase price shall not include the value of any stacked water right(s) used in combination with the primary water right. Stacked water right(s) shall be transferred along with the primary water right, in proportional amounts of the primary water right being transferred. Those water rights which might be stacked include water rights 37-21258 and 37-21262

2.4. The purchase price does not include any supplemental water rights that may have been approved in connection with the use of the primary water right, or staked water right(s), if any, that are being transferred by this Agreement. If there are supplemental rights appurtenant to the Seller's land, the same land where the primary, or stacked water right(s), if any, are appurtenant, the Seller acknowledges that IDWR may require the Seller to forfeit or abandon, in proportionate amounts to the primary right being transferred, all or portions of the supplemental water right(s). The Seller acknowledges that the Buyer is not responsible for compensating the Seller for the value of any supplemental water right that IDWR requires the Seller to forfeit or abandon, in connection with the transfer of the primary water right and/or stacked water rights, if any. If the Buyer wishes to purchase supplemental water right(s), then the purchase of those rights has to be set forth in a separate Purchase and Sale Agreement.

ARTICLE III.

Warranties and Disclaimer.

3.1. The Buyers acknowledge and agree that they have been informed and understand that the Sellers makes no warranties, express or implied, to the Buyers, except as to title as contained in the title clause in the Agreement.

ARTICLE IV.

Deed.

4.1. Title shall be conveyed by a Deed once a transfer is approved by the IDWR, and such Deed shall convey to the Buyers the fee simple of the water right free from all encumbrances.

ARTICLE V.

Water Right Transfer

5.1. The Buyers shall be responsible to file and pay for all fees and costs of the transfer. As the current owner of the water right, Seller agrees to cooperate in the transfer by signing any and all necessary documents to facilitate the transfer, and Seller agrees to support the transfer before IDWR or any other applicable governmental entity or political subdivision.

ARTICLE VI.

Miscellaneous Provisions.

6.1. Survival of All Representations and Warranties. The representations, warranties, covenants and agreements of the Sellers and the Buyers contained in this Agreement shall survive the closing hereunder.

6.2. Applicable Law. This Agreement is being executed and delivered within the State of Idaho and shall be construed and enforced in all respects in accordance with the laws of the State of Idaho.

6.3. Number and Gender of Persons. The terms "Buyers" and "Seller" are used herein without regard to the number or gender of the persons constituting such parties. If the Seller and/or the Buyers consist of two or more persons, including but not limited to individuals, partnerships, associations or other entities, such persons shall be jointly and severally liable hereunder. Whenever any other neuter or singular term is used herein, such term shall be construed to include the masculine or feminine gender or plural, and shall include any party whether male, female or partnership or other entity as may be appropriate.

6.4. Captions. The captions of this Agreement are inserted only for the purpose of convenient reference and in no way define, limit or prescribe the scope or intent of this Agreement or any part hereof.

6.5. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the heirs, personal representatives, administrators, successors and assigns of the parties

hereto.

6.6. Attorney's Fees. In the event that either party hereto retains an attorney to enforce any right or duty arising out of this Agreement, the prevailing party in such dispute shall be entitled to be paid reasonable attorney's fees by the non-prevailing party, whether or not litigation is actually instituted.

6.7. Entire Agreement. The Seller and Buyers acknowledge that the terms of this Agreement may vary from the terms contained in any other preliminary agreements, written or oral, made prior to the execution of this Agreement and may vary from any negotiations between the parties prior to the execution of this Agreement. The Seller and Buyers agree that the terms, covenants and conditions of this Agreement shall supersede all such prior negotiations and agreements, and that there are no other agreements not contained in this Agreement, and that this Agreement shall be and is the final expression of the agreement of the parties and shall control. No modification of this Agreement shall be valid unless in writing and executed by the parties to the Agreement.

6.8. Severance and Validity. In the event any provision of this Agreement or any part thereof shall be determined by any Court of competent jurisdiction to be invalid, void or otherwise unenforceable, the remaining provisions hereunder, or parts thereof, shall remain in full force and effect, and shall in no way be affected, impaired, or invalidated thereby, it being agreed that such remaining provisions shall be construed in a manner most closely approximating the intention of the parties with respect to the invalid, void or unenforceable provision or part thereof.

6.9 Representation by Haemmerle & Haemmerle, P.L.L.C. The parties understand that Fritz X. Haemmerle has drafted this Agreement for the benefit of both parties. By signing this Agreement, both parties give their informed consent for Haemmerle to draft this Agreement, and assist the parties to complete the transaction. Both parties are encouraged to obtain separate and independent legal counsel should there be any questions. If a dispute arises under this Agreement, both parties understand that Haemmerle will not represent either party. TC; CH

IN WITNESS WHEREOF, the parties have executed this Agreement to Purchase Real Property the day and year first above written.

(end of terms, signature lines to follow)

Dated: 2-25-13

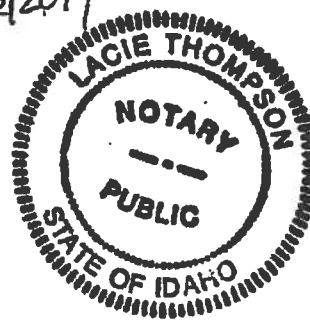
Christie A. Haugh
Cristie A. Haugh, Seller

STATE OF IDAHO,)
) : ss.
County of Blaine.)

On this 25th day of February, 2013, before me, a Notary Public in and for said State, personally appeared Christie A. Haugh, known to me to be the person whose names is subscribed 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.

Lacie Thompson
NOTARY PUBLIC in and for
the State of Idaho
residing at Harley
Commission expires 1/28/2019



Dated: 3/1/2013

Terence Creighton, for Buyer

STATE OF CALIFORNIA,)
County of SANTA BARBARA) : ss.

On this 1st day of ~~February~~ MARCH, 2013, before me, a Notary Public in and for said State, personally appeared Terence Creighton, known to me to be the person whose name is subscribed 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.



Patricia M. Fling
NOTARY PUBLIC in and for
the State of ~~Idaho~~ CALIFORNIA
residing at SANTA BARBARA COUNTY
Commission expires 4/17/2013

EXHIBIT A

TRANSFER 78777

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 37-21260

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP - 5 2012

NAME AND ADDRESS:

CHRISTIE A HAUGH
113 TOWNSEND GULCH RD
BELLEVUE, ID 83313

SOURCE:

BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY:

0.12 CFS

By

Clerk

Deputy Clerk

The rights listed below are limited to a total combined diversion rate of 0.12 cfs. Combined Right Nos.: 37-21258, 37-21260, and 37-21262. This right when combined with all other rights listed herein 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.

PRIORITY DATE:

11/12/1936

Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from saved water in the Rockwell By-Pass, as established by and subject to the provisions included within the Rockwell vs. Coffin decree issued on 29 July, 1949.

POINT OF DIVERSION:

T04N R18E S29 SWSW Within Blaine County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 09-30	0.12 CFS

The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after September 30 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

Irrigation
T03N R18E S06 SWNE 2.5 Within Blaine County
2.5 Acres Total

The rights listed below are limited to the irrigation of a combined total of 2.5 acres in a single irrigation season. Combined Right Nos.: 37-21258, 37-21260, and 37-21262.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The saved water shall be made available to the Rockwell By-Pass saved water right holders any time the Rockwell By-Pass is being used to deliver water to Broadford Slough right holders. The Rockwell saved water rights shall be curtailed when calls for senior water rights from the Broadford Slough cannot be delivered.

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. I.C. SECTION 42-1411(6).

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 37-21260 File Number: 01511

PAGE 1
Dec-15-2011

RECORDING REQUESTED BY:

John G. Busby, Esq.
HOLLISTER & BRACE,
A Professional Corporation

WHEN RECORDED MAIL TO:

John G. Busby, Esq.
HOLLISTER & BRACE,
A Professional Corporation
1126 Santa Barbara Street
Santa Barbara, CA 93101

Instrument # 551049

HAILEY, BLAINE, IDAHO

2007-08-29 12:24:00 No. of Pages: 2

Recorded for : HOLLISTER & BRACE

JOLYNN DRAGE Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

mp

(Space above for Recorder's use only)

QUITCLAIM DEED

Mail Tax Statements to:

Terence J. Creighton, 1177 California Street , Apt. 825, San Francisco, CA 94108

QUITCLAIM DEED

FOR VALUE RECEIVED

TERENCE J. CREIGHTON

(hereinafter called the Grantor) does hereby convey, release, remise and forever quit claim unto

2007 TERENCE J. CREIGHTON REVOCABLE TRUST

whose address is: 1177 California Street, Apt. 825, San Francisco, California 94108 (hereinafter called the Grantee),

all of the Grantor's right title and interest in and to that certain real property situated in Blaine County, Idaho, to-wit:

Lot 21A of FLYING HEART RANCH NO. II: LOT 21A, according to the official plat thereof, recorded as Instrument No. 428729, records of Blaine County Idaho, together with their appurtenances.

Dated: June 19, 2007

Terence J. Creighton/

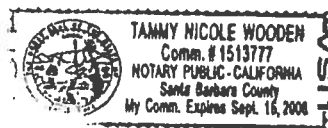
STATE OF CALIFORNIA

COUNTY OF SANTA BARBARA

)
) ss.
)

On June 19, 2007 before me, Lammy Nicole Wooden a notary public in and for said County and State, personally appeared **Terence J. Creighton** personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument and acknowledged to me that ~~she~~/he executed the same in ~~her~~/his authorized capacity, and that by ~~her~~/his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Notary Public

(seal)



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

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

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

RE: Application for Permit No. 37-22838

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,

A handwritten signature in cursive script that reads "Denise Maline".

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.

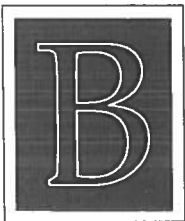
If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this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

AUG 14 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

August 14, 2013

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

Re: Creighton Transfer

Dear Mr. Merritt:

Terance Creighton has purchased 1.0 acre of 37-21260 from Christie Haugh. The attached transfer application proposes to move 0.9 acres and 0.03 cfs of 37-21260 to a POD of 03N 18E 32 NESWSE to be used as irrigation. A 0.1 acre or 0.3 acre feet portion of 37-21260 irrigation will be changed to aesthetic storage and will account for the evaporation loss from the small pond on Mr. Creighton's property. The small pond is located in stream of the Purdum Slough, which is recognized by IDWR has part of the Wood River.

The ownership, POD and POU of the 1.0 acres will be changed by this transfer. A 0.3 acre of the current POU was dried up in 2004 and the volume of water not used during that year of irrigation is sufficient enough to fill the small in stream pond. A 0.01 cfs portion of 37-21260 will remain in the Comstock Ditch to aid in conveyance of water rights delivered to the Comstock head gate.

An application for permit for an aesthetic storage water right is being submitted to IDWR simultaneously with transfer application.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S.

Cc: Fritz Haemmerle

Enc: Transfer Applications, Mitigation Volume Analysis Spread Sheet, Purchase Agreement, Aerial Maps, Warranty Deeds, Brockway Engineering Check # 11566 for \$550.00

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506