

RECEIVED**AUG 14 2013**DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of IdahoIdent. No. 37-228381. Name of applicant(s) 2007 Terence J. Creighton Revocable Trust Phone _____
Name connector (check one): ☐ and ☐ or ☐ and/orMailing address: 1177 California St. #825 City San Francisco
State CA Zip 94108 Email: _____2. Source of water supply Big Wood River which is a tributary of Malad River

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
03N	18E	32			SW	SE	Blaine	Big Wood River	

4. Water will be used for the following purposes:

Amount /0.6 for Aesthetic Storage purposes from 1/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)5. Total quantity to be appropriated is (a) _____ cubic feet per second (cfs) and/or (b) 0.6 acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. The pond is in stream of a branch of the Big Wood River.b. Height of storage dam NA feet; active reservoir capacity NA acre-feet; total reservoir capacity NA acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.
For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ Noc. Proposed well diameter is NA inches; proposed depth of well is NA feet.d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ Noe. If well is already drilled, when? NA; drilling firm NA;
Well was drilled for (well owner) NA; Drilling Permit No. NA.

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

a. Hydropower; show total feet of head and proposed capacity in kW. NAb. Stockwatering; list number and kind of livestock. NAc. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. NAd. Domestic; show number of households NAe. Other; describe fully. NA

8. Description of place of use:

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	32															X		

Total number of acres to be irrigated: _____

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? _____

A portion of 37-21260 is involved in a transfer to be moved to the same POU and utilized as irrigation.

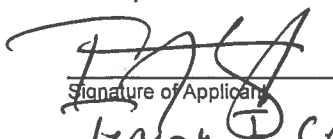
10. a. Who owns the property at the point of diversion? Terence Creighton
- b. Who owns the land to be irrigated or place of use? Terence Creighton
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. The current pond is an in stream pond in the Big Wood River. A transfer is being submitted that will allow 0.9 acres to be irrigated in the SWSE. This existing pond will provide storage to the water right. The pond may fall under the 24 hour rule, but IDWR staff recommended this permit be filed. A 0.3 acre portion of land was dried up in 2004 and will provide the necessary mitigation to initially fill the pond the first time. The pond volume will be dependent on the flow of water through the Big Wood River.

12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


 Signature of Applicant
Terence Creighton
 Print Name (and title, if applicable)

 Signature of Applicant

 Print Name (and title, if applicable)

For Department Use:

Received by AM Date 8-14-2013 Time 3:05pm Preliminary check by J. Cooper
 Fee \$ 100.00 Received by JL Receipt No. 5033471 Date 8/15/13



0 62.5 125 250 Feet

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

Legend

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





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,

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.

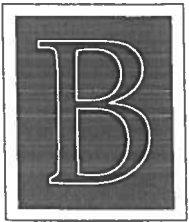
If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this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