

RECEIVED

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. 78396**JAN 25 2013****MINIMUM REQUIREMENTS CHECKLIST**

DEPT. OF WATER RESOURCES **TO BE SUBMITTED WITH APPLICATION FOR TRANSFER**
SOUTHERN REGION

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☒ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Other. Please describe: IDT Permit to Use Right of Way Approaches and Other No. 4-02-086

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78396**RECEIVED**

JAN 25 2013

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**Name of Applicant Blaine County Recreation DistrictPhone (208) 578-5451Mailing address 1050 Fox Acres Rd., Room 100, Hailey, ID 83333, attn: Jim KeatingEmail jkeating@bcrd.org

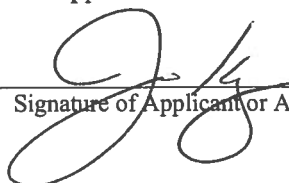
- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the 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 James P. SpeckPhone (208) 726-4421Mailing address Speck & Aanestad, P.O. Box 987, Ketchum, ID 83340Email jim@speckandaanestad.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

Jim Keating, Executive Director

Print Name and Title if applicable

1/22/2013
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- 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**. Decreed point of diversion and place of use are on State of Idaho lands. SRBA settlement requires Applicant to move the water right off of the State lands. This Application will accomplish that for a portion of the water right.

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 ☐ ☒	37-2627D	0.1 cfs	irrigation	Apr. 15 to Oct. 31	ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.1 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 0.06 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		SE	NE	SE	7	3N	18E	Blaine	ground water	

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	18E	7													2.2	0.8			3.0

Total Acres (for irrigation use) 3.0

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 & pump; underground, pressurized sprinkler irrigation system

- b. Who owns the property at the point(s) of diversion? Idaho Department of Transportation

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

IDT Permit to Use Right of Way Approaches and Other No. 4-02-086 - see Attachment 9

- 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: Idaho Department of Lands - Settlement Agreement Between the State of Idaho, Department of Lands, and the

Blaine County Recreation District

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:

Decreed place of use is not now and will not in the future 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:

None

- 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:

All of 37-2627D is currently leased to the Water Supply Bank for an indefinite period.

Total Acres (for irrigation use)	3.0
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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-2627d

Current Owner: BLAINE COUNTY RECREATION DISTRICT

Priority Date: 12/9/1959

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.1 CFS	17.5 AF
	<u>Total Diversion</u>	0.1 CFS	17.5 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4SW1/4 Sec. 16, Twp 03N, Rge 18E B.M.
BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T03N R18E S16	NESW	3.00	T03N R18E S16	NWSW	1.00
T03N R18E S16	SWSW	2.00	T03N R18E S16	SESW	10.00

Total Acres: 16

Conditions of Approval:

1. For regulation purposes Right 37-02627D shall be considered junior to all existing rights in the vicinity of the transferred point of diversion located in the NESW, S16, T03N, R18E at the time Transfer 5423 is approved.
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. Use of water under Right 37-02627D may be affected by an agreement between the protestant of Transfer 5045 and the right holder.
4. 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.
5. Right 37-02627D is limited to the irrigation of 5.0 acres within the place of use described above in a single irrigation season.
6. 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.
7. 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.
8. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
9. Five irrigated acres under Right 37-00154C will no longer be irrigated to mitigate use of Right 37-02627D as a primary groundwater right.
10. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
11. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Access to the point of diversion and place of use of water right no. 37-2627D is governed by a private agreement executed by the Idaho Department of Lands and the Blaine County Recreation District dated October 16, 2009.

Decreed Date: 2/3/2010

Received by greeder Date 1/25/13 Prelim. Check by _____ Date _____
 Fee Paid \$ 300.00 Date 1/25/13 Receipted by greeder Receipt # 5033007
 Add'l Fee Paid \$ 300.00 Date 1/28/13 Receipted by greeder Receipt # 5033008

BLAINE COUNTY RECREATION DISTRICT
APPLICATION FOR TRANSFER - PORTION OF 37-2627D
EAST FORK PARCEL
ATTACHMENT #6

**SETTLEMENT AGREEMENT BETWEEN THE STATE OF IDAHO, DEPARTMENT
OF LANDS, AND THE BLAINE COUNTY RECREATION DISTRICT.**

THIS Agreement is entered into by and between the State of Idaho, Department of Lands,
and the Blaine County Recreation District.

IN CONSIDERATION OF THE PROMISES STATED IN THIS AGREEMENT, THE
PARTIES AGREE AS FOLLOWS:

I. DEFINITIONS

A. The term "IDL" means the State of Idaho, Department of Lands, 300 N. 6th St.,
P.O. Box 83720, Boise, Idaho, 83720-0050, by and through its authorized representatives.

B. The term "IDWR" means the State of Idaho, Department of Water Resources, 322
E. Front Street, P.O. Box 83720, Boise, Idaho 83720-0098.

C. The term "Claimant" means Blaine County Recreation District, 1050 Fox Acres
Road, Room 100, Hailey, Idaho 83333-8415, by and through its authorized representatives.

II. RECITALS

A. IDL acquired the following lands from the United States as follows:

Acquisition Document	Date	Legal Description	Acres
State Grant	July 3, 1890	T03N R18E S16	640

B. Claimant has claimed the following lands as including the point of diversion and
the place of use for water right no. 37-02627D:

Point of Diversion

T03N R18E S16 NESW

Place of Use

T03N R18E S16 NESW
T03N R18E S16 SWSW

T03N R18E S16 NWSW
T03N R18E S16 SESW

C. Claimant holds no property, leasehold, easement, permit, rental, or other right or privilege to access the point of diversion or the place of use of water right no. 37-02627D for use of water thereunder.

III. COURSE OF PROCEEDINGS

A. Claimant shall have three (3) years from the date of entry of a partial decree in SRBA subcase no. 37-02627D either: (i) to enter into a written leasehold, easement, permit, or rental agreement with IDL for access to the point of diversion and the place of use of water right no. 37-02627D for use of water thereunder; or (ii) to file with IDWR or any successor agency an application for transfer of water right no. 37-02627D to lands not owned by the State of Idaho.

B. If within the prescribed three (3) year time limit Claimant fails or refuses either: (i) to enter into a written leasehold, easement, permit, or rental agreement with IDL for access to the point of diversion and the place of use of water right no. 37-02627D for use of water thereunder; or (ii) to file with IDWR or any successor agency an application for transfer of water right no. 37-02627D to lands not owned by the State of Idaho, any ownership interest held by Claimant in water right no. 37-02627D shall automatically cease and IDL shall become the sole owner of water right no. 37-02627D. In such event, Claimant waives any right to object to the transfer of water right no. 37-02627D to the name of IDL.

C. If within the prescribed three (3) year time limit Claimant enters into a written leasehold, easement, permit, or rental agreement with IDL for access to the point of diversion and the place of use of water right no. 37-02627D for use of water thereunder, this Agreement shall terminate and the new agreement shall govern.

D. If within the prescribed three (3) year time limit Claimant files an application for transfer of water right no. 37-02627D, Claimant shall then have three (3) years from the date of filing to accomplish said transfer. If Claimant fails or refuses to accomplish said transfer within

the prescribed three (3) year time limit, any ownership interest held by Claimant in water right no. 37-02627D shall automatically cease and IDL shall become the sole owner of water right no. 37-02627D. In such event, Claimant waives any right to object to the transfer of water right no. 37-02627D to the name of IDL.

IV. ACCESS TO THE POINT OF DIVERSION AND PLACE OF USE

Nothing in this Agreement shall be construed as providing Claimant any property, leasehold, easement, permit, rental, or other right or privilege to access the point of diversion or the place of use of water right no. 37-02627D for use of water thereunder.

V. TERM

This Agreement shall take effect when executed by both parties hereto.

VI. ALTERATION

Any change in this Agreement shall be in writing signed by an authorized representative of both parties.

VII. GOVERNING LAW

Both parties agree that this Agreement shall be governed by, and construed in accordance with, the laws of the State of Idaho.

VIII. ASSIGNMENT OF RIGHTS AND DELEGATION OF DUTIES

No party shall assign a right under this Agreement or delegate a duty under this Agreement without the prior written consent of the other.

IX. ENTIRE AGREEMENT

This Agreement sets forth all the covenants, promises, provisions, agreements, conditions, and understandings between the parties and there are no covenants, provisions, promises, agreements, conditions, or understandings, either oral or written between them other than are herein set forth.

X. EFFECT OF SECTION HEADINGS

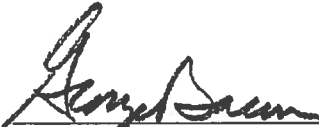
The section headings appearing in this contract are not to be construed as interpretations of the text but are inserted for convenience and reference only.

XI. DUPLICATE ORIGINALS

This Agreement is executed in duplicate. Each of the two (2) Agreements with an original signature of each party shall be an original.

IN WITNESS WHEREOF the parties executed this contract on the date following their respective signatures.

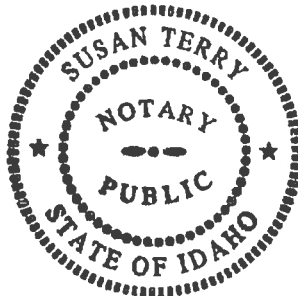
IDAHO DEPARTMENT OF LANDS

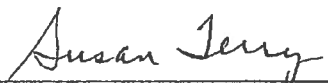

George Bacon

STATE OF IDAHO)
 :is
COUNTY OF ADA)

On this 1st day of October in the year 2009, before me a Notary Public in and for said State, personally appeared George Bacon, known to me to be the Director, that executed the within instrument, and acknowledged to me that the State of Idaho Department of Lands executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.




Notary Public for Idaho
Residing at Manzanilla ID
My commission expires: 8-30-11

CLAIMANT

Sign: _____

Date: 10/16/09

Print: _____

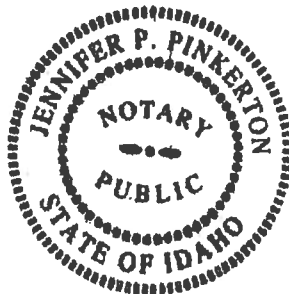
Position: _____

STATE OF Idaho
Blaine

COUNTY OF Blaine :S

On this 16 day of October in the year 2009, before me a Notary Public in and for said State, personally appeared Jim Keating known to me to be _____, that executed the within instrument and acknowledged to me that the Blaine County Recreation District executed the same.

IN WITNESS THEREOF, I have hereunto set my hand and seal on the day and year last above written.



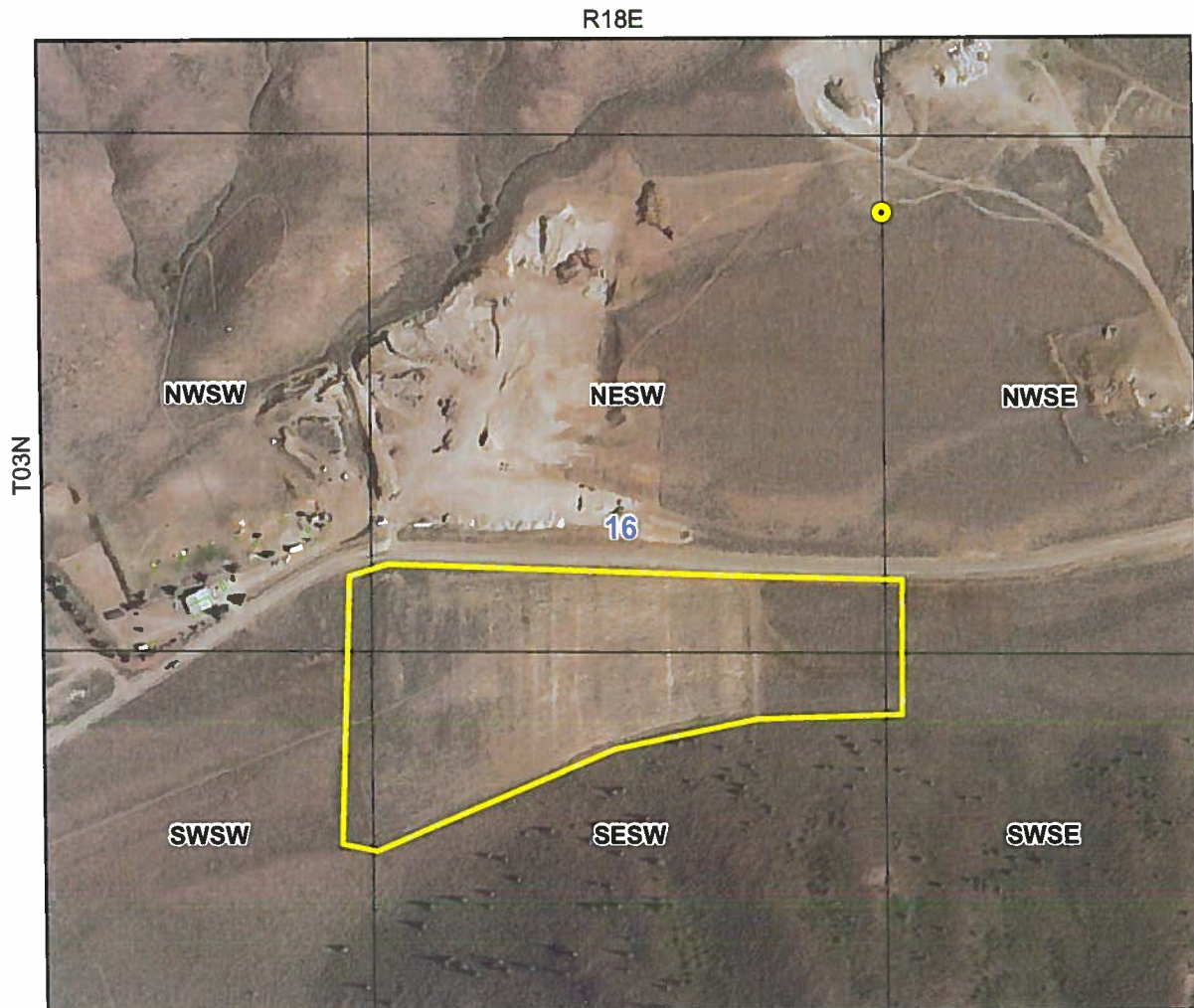
Jennifer P. Pinkerton
Notary Public for Idaho
Residing at Ketchum, Id.
My commission expires: 2/9/15

State of Idaho
Department of Water Resources

Water Right
37-2627D

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 0.05 0.1 0.2 Miles

BLAINE COUNTY RECREATION DISTRICT
APPLICATION FOR TRANSFER - PORTION OF 37-2627D
EAST FORK PARCEL
ATTACHMENT #7a & b
P.1 - EXISTING PERMISSIBLE PLACE OF USE



Map produced on October 30, 2012

TRANSFER 78396



BLAINE COUNTY RECREATION DISTRICT
APPLICATION FOR TRANSFER - PORTION OF 37-2627D
EAST FORK PARCEL
ATTACHMENT #7a & b
P.2 - NEW PLACE OF USE AND POINT OF DIVERSION



APPLICATION AND PERMIT TO USE RIGHT OF WAY
APPROACHES AND OTHER

See: Traffic Manual 12-450

Project No. STP-2390 (118) Route Hwy. 75

1976+00 To 1976+00 (M) East Fork area 6 miles no.
Station to Station Distance from Nearest Town OR Jct.
of Hailey.

Inspection Fee Required \$ Performance Bond Required \$

Type Access Control II-Road Board Minute Entry Date _____

Quantity _____ Width _____ ft. Est. Volume _____ Posted Speed _____

Trailhead parking area Sight Distance: Left _____ ft. Right _____ ft.

Type-Residence, Commercial, Field, other etc. Culvert: Size: _____ in. Length: _____ ft.

Explain Other/
Business Type: Recreational use. Improve state property now being used as
roughed in parking area for wood River Trail users & highway
commuters (park & ride)

A PLAN OF PROPOSED WORK AND APPLICABLE TRAFFIC CONTROL PLANS MUST BE ATTACHED.

Special Provisions: See attached plan for project details and area impacted.

Total area requested = 84,900 sq. ft.

From east of trail to Hwy. 75 along East Fork Road and north from East Fork Rd.
175' at trailhead and 230' on western side paralleling Hwy. 75

I certify that I am the owner or authorized representative of the proposed property to be served and agree to do the work requested hereon in accordance with the general requirements printed on the reverse side, the special provisions and the plans made a part of the permit. This permit shall be void unless the work herein contemplated shall have been completed before _____

Company and Address

Blaine County Recreation Dist.

308 N. Main Street

Hailey, ID 83333

CITY STATE ZIP

Mary Austin Crofts

(208) 788-2117

APPLICANT

PHONE

Mary A. Crofts 2-28-02

SIGNATURE OF AUTHORIZED REPRESENTATIVE

DATE

Subject to all terms, conditions and provisions shown on this form or attachments, Permission hereby granted to the above named applicant to perform the work described.

Local Government Approval When Required

State Highway Administrator

By: _____

Entity

By: _____

District Engineer Date

Title: _____

THIS PERMIT IS NOT VALID UNLESS ACCOMPANIED BY RECEIPT (DE-1958)

BLAINE COUNTY RECREATION DISTRICT
APPLICATION FOR TRANSFER - PORTION OF 37-2627D
EAST FORK PARCEL
ATTACHMENT #9

TRANSFER 78396

GENERAL REQUIREMENTS

1. Approaches shall be for the bona fide purpose of securing access and not for the purpose of parking, conducting business, or servicing vehicles on the highway right of way.
 2. No revisions or additions shall be made to an approach or its appurtenances on the right of way without the written permission of the Department.
 3. The permittee shall furnish all material, labor, and equipment involved in the construction of the approach and its appurtenances. This shall include furnishing drainage pipe of a size specified on permit (12-inch minimum) curb and gutter, concrete sidewalk, etc., where required. Materials and workmanship shall be good quality and are subject to inspection by the Department.
 4. The Department reserves the right to make at any time such changes, additions, repairs and relocations to any approach or its appurtenances within the highway right of way as may be necessary to permit the relocation, reconstruction, widening, and maintenance of the highway and/or to provide proper protection to life and property on or adjacent to the highway.
 5. Driveways and rural approaches shall conform to the plans made a part of this permit. Adequate drawings or sketches shall be included showing the design, construction requirements and proposed location of the approach by route, station, and milepost.
 6. The Department may change, amend or terminate this permit or any of the conditions herein enumerated if permittee fails to comply with its provisions or requirements as set forth herein.
 7. During the construction of the approach(es), such barricades, signs, and other traffic control devices shall be erected and maintained by the permittee as may be deemed necessary by the Department, said devices shall conform to the current issue of the Manual on Uniform Traffic Control Devices for Streets and Highways. Parked equipment and stored materials shall be as far from the travelway as feasible. Items stored within 30 feet of the travelway shall be marked and protected.
 8. In accepting this permit, the permittee, its successors, and assigns, agrees to indemnify, save harmless and defend regardless of outcome, the state from the expenses of and against suits, including costs, expenses and attorney fees that may be incurred by reason of any act or omission, neglect or misconduct of the permittee or its contractor in the design, construction, and maintenance of the work, which is the subject of this permit.
 9. If the work done under this permit interferes in any way with the drainage of the state highway, the permittee shall wholly and at his own expense make such provision as the District Engineer may direct to the care of said drainage.
 10. On completion of said work herein contemplated, all rubbish and debris shall be immediately removed and the roadway and roadside shall be left neat and presentable and to the satisfaction of the District Engineer.
 11. The permittee shall maintain at his or their sole expense the structure or object for which this permit is granted in a condition satisfactory to the District Engineer.
 12. Neither the acceptance of this permit nor anything herein contained shall be construed as a waiver by the permittee of any rights given it by the constitution or laws of the State of Idaho or of the United States.
 13. No work shall be started until an authorized representative of the Department has given notice to the permittee to proceed.
 14. The Department hereby reserves the right to order the change of location or the removal of any structures or facility(ies) authorized by this permit, said change or removal to be made at the sole expense of the permittee or its successors or assigns, unless such structure(s) or facility(ies) have been located pursuant to the special provisions of form DR-2111.
- A PERMITTEE WHO HAS A PERMIT DENIED AT THE DISTRICT LEVEL MAY APPEAL THE DENIAL TO THE STATE HIGHWAY ADMINISTRATOR AND FINALLY TO THE IDAHO TRANSPORTATION BOARD.

BOISE STAFF REVIEW			
REVIEW	Reviewer Initial	Recommendation	
		Yes	No*
Traffic			
Bridge			
Right of Way			

DISTRICT STAFF REVIEW			
REVIEW	Reviewer Initial	Recommendation	
		Yes	No*
Traffic			
Maintenance			
Design			
Right of Way			

PATTERN REASON FOR RECOMMENDATION





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

February 14, 2013

BLAINE COUNTY RECREATION DISTRICT
1050 FOX ACRES RD ROOM 100
HAILEY, ID 83333

RE: Transfer No. 78396
Water Right No(s). 37-22809, 37-2627D

RE: Transfer No. 78397
Water Right No(s). 37-22807, 37-2627D

RE: Transfer No. 78398
Water Right No(s). 37-22808, 37-2627D

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 2/20/2013 and 2/27/2013**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**March 11, 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:

SPECK & AANESTAD
JAMES P SPECK
PO BOX 987
KETCHUM, ID 83340

Maline, Denise

From: Maline, Denise
Sent: Thursday, February 14, 2013 3:59 PM
To: Idaho Mountain Express
Subject: LEGAL NOTICE
Attachments: Idaho Mountain Express Cover Letter.docx; Idaho Mountain Express Ad.docx

Attached please find (1) legal notice being submitted for publication on February 20th & 27th, 2013. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Department of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, Idaho 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

February 14, 2013

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

RE: Transfer No. 78396
Water Right No(s): 37-22809, 37-2627D

RE: Transfer No. 78397
Water Right No(s): 37-22807, 37-2627D

RE: Transfer No. 78398
Water Right No(s): 37-22808, 37-2627D

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 March 11, 2013. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78396**

BLAINE COUNTY RECREATION DISTRICT, 1050 FOX ACRES RD ROOM 100, HAILEY, ID 83333 has filed Application No. 78396 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22809, 37-2627D. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes moving a three acre portion of an irrigation ground water right from land located approximately 4.2 mi. due north of Hailey to land located approximately 1.1 mi. north and 1.7 mi. west of the current place of use along the east side of HWY 75. An existing well and irrigation system will divert 0.06 cfs and 10.5 AF for the irrigation of three acres along the Wood River Bike Trail.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78397**

BLAINE COUNTY RECREATION DISTRICT, 1050 FOX ACRES RD ROOM 100, HAILEY, ID 83333 has filed Application No. 78397 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22807, 37-2627D. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes moving a 1.3 acre portion of an irrigation ground water right from land located approximately 4.2 mi. due north of Hailey to land located north east of the Hailey Airport on the east side of HWY 75. An existing well and irrigation system will divert 0.03 cfs and 4.5 AF for the irrigation of 1.3 acres along the Wood River Bike Trail.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78398**

BLAINE COUNTY RECREATION DISTRICT, 1050 FOX ACRES RD ROOM 100, HAILEY, ID 83333 has filed Application No. 78398 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22808, 37-2627D. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes moving a 0.7 acre portion of an irrigation ground water right from land located approximately 4.2 mi. due north of Hailey to land located approximately 1.8 mi. south and 0.6 mi. east of Ketchum along the east side of HWY 75. An existing well and irrigation system will divert 0.01 cfs and 2.5 AF for the irrigation of 0.7 acres along the Wood River Bike Trail.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and the proposed transfers, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before March 11, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on February 20th & 27th, 2013

Maline, Denise

From: Maline, Denise
Sent: Thursday, February 14, 2013 4:55 PM
To: 'Kevin Lakey'
Subject: Comment Letter for Transfers 78396, 78397 & 78398
Attachments: Comment Letter to Kevin Lakey.pdf; Transfer App 78398.pdf; Transfer App 78396.pdf; Transfer App 78397.pdf

Mr. Lakey,

Attached is a cover letter & recommendation forms; along with a copy of (3) Applications for Transfer currently being processed by the department. Please review the attached information and provide any necessary comments, within the next 21 days.

Please feel free to contact our office if you have an questions regarding this information.

Thank you in advance,

Denise Maline
Administrative Assistant
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

February 14, 2013

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

Via E-mail

RE: Transfer No. 78396
Water Right No(s): 37-2627D, 37-22809

RE: Transfer No. 78397
Water Right No(s): 37-2627D, 37-22807

RE: Transfer No. 78398
Water Right No(s): 37-2627D, 37-22808

Dear Mr. Lakey:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

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

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

MEMORANDUM

Date: February 13, 2013
To: Transfer 78396 File
From: Jana Reeder
Re: Evaluation of Sufficiency of Information Submitted

Transfer proposes moving a 3 acre portion of irrigation ground water right, 37-2627D, from land located approximately 4.2 mi. due north of Hailey to land located approximately 1.1 mi. north and 1.7 mi. west of the current place of use along the east side of HWY 75. An existing well and irrigation system will divert 0.06 cfs and 10.5 AF for the irrigation of three acres along the Wood River Bike Trail. Note that companion transfers # 78397 and # 78398 also propose transferring the entire remaining portions of right 37-2627D. Right 37-2627D currently has a condition indicating that it is subject to regulation by the water district 37 water master (apparently from an older transfer). It is recommended that this condition will be carried forward on the currently filed transfers, if approved.

Note, the Idaho Water Board withdrew their protests with the agreement that the following condition should be included in approval of Transfers 78396 and 78398:

"To prevent injury to water rights 37-7919 and 37-8307, held by the Idaho Water Resource Board for minimum stream flows in the Big Wood River, the use of ground water authorized by transfers 78397 and 78398 shall be subject to curtailment four (4) days after flows at the Hailey gauge drop below 189 cfs."

- **Authority to File:**
The applicant is listed as the current owner of water right 37-2627D according to IDWR records.
- **Water Right Validity:**
Right 37-2627D was decreed in the SRBA on 2/3/2010.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No negative impact anticipated. Application will be subject to public notice.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as beneficial use of water.
- **Effect on Economy of the Local Area:**
None.
- **Effect on Agricultural Base of the Local Area:**
None anticipated.

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

RECEIVED

JAN 28 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

January 25, 2013

Allen Merritt
Idaho Dept. of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

**RE: Blaine County Recreation District
Applications for Transfer of Water Right 37-2627D**

Dear Allen:

Per your conversation with Jim Speck, enclosed is our firm's check in the amount of \$300.00 as the balance owed to the Department in the above-referenced matter. Our apologies for our miscalculation on the fees!

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
Jennifer Talmadge
James P. Speck

Enclosure

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

JAMES P. SPECK
jim@speckandaanestad.com

DOUGLAS J. AANESTAD
doug@speckandaanestad.com

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

January 23, 2013

Allen Merritt
Idaho Dept. of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

RECEIVED

JAN 25 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

**RE: Blaine County Recreation District
Applications for Transfer of Water Right 37-2627D**

Dear Allen:

Water Right No. 37-2627D was decreed in the SRBA on February 3, 2010. The decreed place of use is on land in Blaine County owned by the State of Idaho Department of Lands. Part of the resolution of the Objection filed by the Department of Lands requires my client, the Blaine County Recreation District, to file one or more applications to transfer this water right off of the Department of Lands' property on or before February 3, 2013. Therefore, we have prepared and enclosed three (3) Applications for Transfer of Water Right requesting the change of point of diversion and place of use of portions of the water right to three different parcels of land along the Wood River bike path system together with my firm's check payable to IDWR in the amount of \$300 to cover the filing fees for these three applications.

Please receipt date-stamp the copies of the three applications and return them to me in the postage-prepaid self-addressed envelope I have included for that purpose. Contact me if you have any questions.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____

James P. Speck

Enclosures
CC w/ Encl: Client
Tyson Nelson