

RECEIVED

42-222 POD
07/2011

DEC 03 2012

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

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the *Application for Transfer Instructions* for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

☒ Change diversion point(s)☐ Add diversion point(s)☐ Ownership change1. APPLICANT(S) Andrew Sabel Phone 208-726-30032. MAILING ADDRESS P.O. Box 3910 City KetchumState ID Zip 83340 Email acs@sabel-co.com☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see fee schedule.☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.3. LIST WATER RIGHT NUMBER(S) 37-22794☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.4. TOTAL AMOUNT OF WATER transferred is 0.04 cfs cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
5N	17E	14		NE	NW	SW	Blaine	ground water	

6. 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:

Well, pump, underground pressurized sprinkler irrigation system. A measuring device could be installed in the mainline near the well. Lockable controlling works will be installed to watermaster specifications when required.

- b. Who owns the property at the point(s) of diversion? Applicant

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

- c. 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(s), or

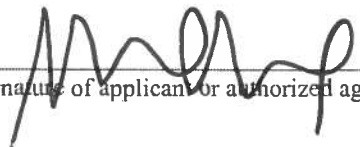
☐☒

currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

Andrew Sabel

Print name and title if applicable

November 29, 2012

Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes 4 pages of attachments.

Received by JR

Date 12-3-2012

Fee paid \$200- Date 12-3-2012

Received by JR

Receipt # 5032931

Preliminary review completed by gr

Date 12/18/2012

Opendoc

Screenshot of the BLM GLO record for H.E.S. 329. Used in determining Place of Use for 37-8417. Viewed 11/23/2012 by mvanbussum.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-22794

Priority: October 13, 1988

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 4.9 AF

It is hereby certified that ANDREW SABEL
PO BOX 3910
KETCHUM ID 83340 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated October 17, 1988; has submitted
Proof of Beneficial Use on May 14, 1990. An examination confirms water is diverted from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	05/01 to 10/31	0.04 CFS	4.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4NW1/4 Sec. 14, Twp 05N, Rge 17E, B.M., BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 17E 14									.9	.5							1.4

Total Acres: 1.4

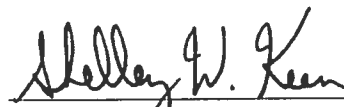
CONDITIONS OF APPROVAL

1. Place of use is located within H.E.S. 329.
2. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 26th day of November, 2012.

Transfer 78286


for GARY SPACKMAN
Director

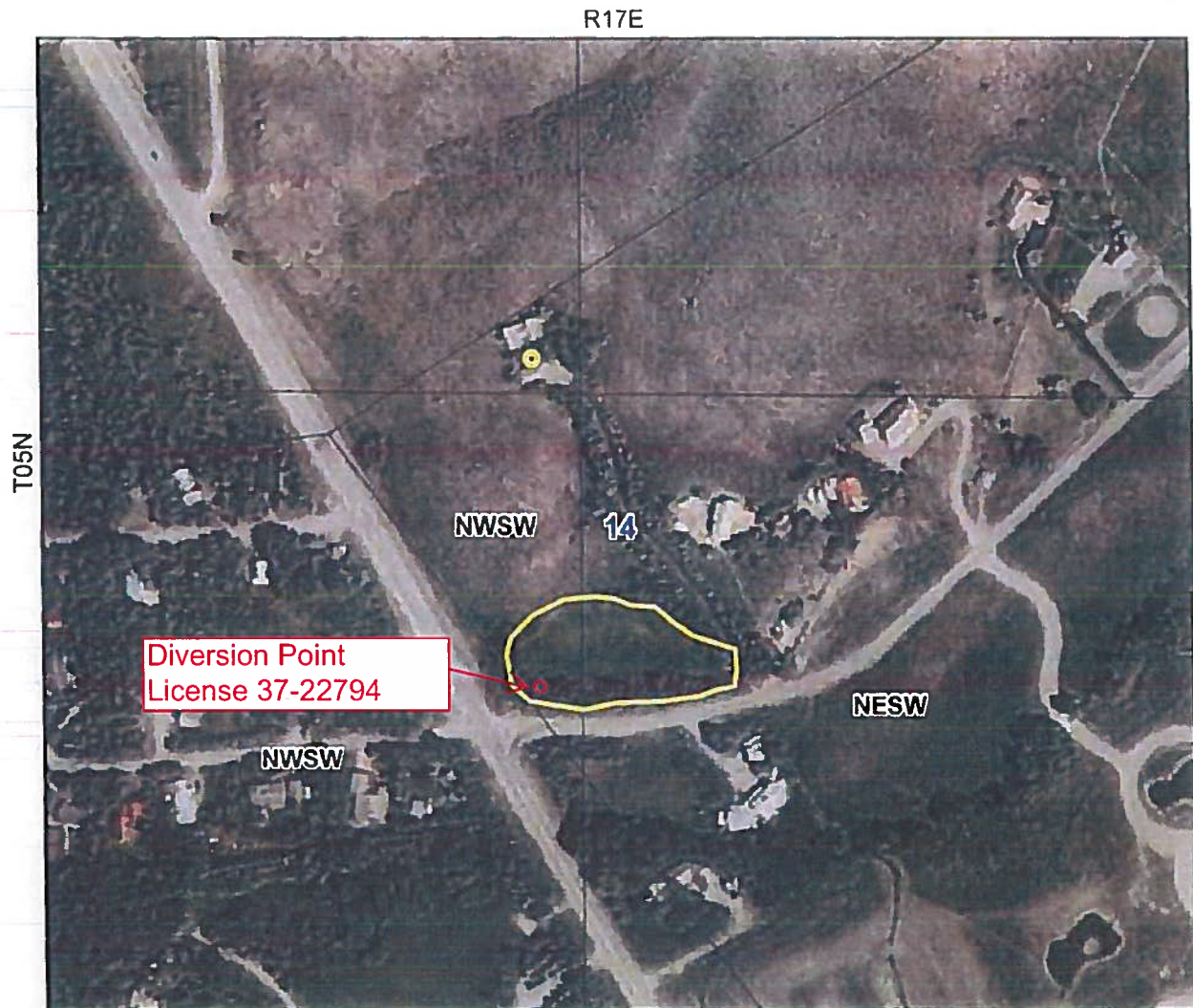
ATTACHMENT 1 - SABEL TRANSFER APPLICATION

State of Idaho
Department of Water Resources

Attachment To Water Right License

37-22794

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.0375 0.075 0.15 Miles

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

Transfer 78286





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

December 18, 2012

ANDREW SABEL
PO BOX 3910
KETCHUM, ID 83340

RE: Transfer No. 78286
Water Right No(s). 37-22794

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 **12/26/2012 and 1/2/2013**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**January 14, 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: Tuesday, December 18, 2012 4:18 PM
To: Idaho Mountain Express
Subject: LEGAL NOTICE
Attachments: Idaho Mountain Express 78286 cover letter.docx; Idaho Mountain Express 78286 ad.docx

Attached please find (1) legal notice being submitted for publication on December 26th, 2012 & January 2nd, 2013. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

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

December 18, 2012

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

RE: Transfer No. 78286
Water Right No(s): 37-22794

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 January 14, 2013. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78286**

ANDREW SABEL, PO BOX 3910, KETCHUM, ID 83340 has filed Application No. 78286 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22794; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the point of diversion of a 0.04 cfs ground water right used to irrigate 1.4 acres on property located approximately 6.0 mi. north and 1.8 mi. west of the center of Ketchum, along the east side of HWY 75 near Eagle Creek. An existing well on the property will be utilized as the new authorized point of diversion.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. 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 January 14, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on December 26, 2012 & January 2, 2013

MEMORANDUM

Date: December 18, 2012
To: Transfer 78286 File
From: Jana Reeder
Re: Evaluation of Sufficiency of Information Submitted

Application proposes to change the point of diversion of a 0.04 cfs ground water right used to irrigate 1.4 acres on property located approximately 6.0 mi. north and 1.8 mi. west of the center of Ketchum, along the east side of HWY 75 near Eagle Creek. An existing well on the property will be utilized as the new authorized point of diversion. The properties and points of diversions involved with the application are located within Big Wood River Ground Water Management Area and also within the Upper Wood Rivers Water Measurement District.

- **Authority to File:**
Applicant is listed as current owner on IDWR records.
- **Water Right Validity:**
Water right 37-22794 was licensed on 11/26/2012.
- **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 uses are recognized as beneficial uses of water.
- **Effect on Economy of the Local Area:**
None anticipated.
- **Effect of the 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.

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

RECEIVED

DEC 03 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

November 29, 2012

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

RE: Application for Transfer of Water Right - Point of Diversion / 37-22794

Dear Allen:

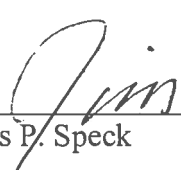
Enclosed please find the original and one copy of an Application for Transfer of Water Right/Point of Diversion for Water Right No. 37-22794. Please receipt date stamp the copy and return it to us in the enclosed postage-prepaid envelope. I have also enclosed our firm's check in the amount of \$200.00 for the required fees.

Please call with any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____


James P. Speck

Enclosures