

Rec'd 2/9/2011

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 77081

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

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

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

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

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

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☒ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/water/rights/>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 77081

RECEIVED

FEB 09 2011

DEPT. OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) ECCLES WINDOW ROCK RANCH LLC Phone (801) 248-1800

Mailing Address PO BOX 3028 SALT LAKE CITY, UTAH 84110 Email

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

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

☐ No Representative

Name of Representative Brockway Engineering, PLLC Phone (208) 736-8543

Mailing Address 2016 N. Washington St. Suite 4 Twin Falls, ID 83301 Email

☐ 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.

Charles E. Brockway
Signature of Applicant or Authorized Representative
Power of Attorney

Charles E. Brockway 2/7/2011
Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. Create one PPU for the six water rights.

[illegible]

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: Well, piping, pumps, & surface water diversion
water could be measured with weirs, flumes, and or a flow meter and controled with
slide gates, & flow monitoring.

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

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: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: _____
No change will occur.

- 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: _____

- 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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department website or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 1. Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/> , Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

(cfs/ac-ft)

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

[illegible]

Total Acres (for irrigation use)

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

Current Water Right No.: 37-1227A

Current Owner: ECCLES WINDOW ROCK RANCH LLC
Priority Date: 6/1/1883
Origin: Adjudication Recommendation
Status: Active
Basis: Decreed

Source	Tributary		
TOWNSEND GULCH	BIG WOOD RIVER		
Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/15 to 10/31	0.8 CFS	
	Total Diversion	0.8 CFS	
Location of Point(s) of Diversion			
TOWNSEND GULCH		SW1/4SE1/4NE1/4	Sec. 2, Twp 01N, Rge 18E B.M.
BLAINE County			

Place of Use

IRRIGATION Within BLAINE County

T01N R18E S2	Lot 1	NENE	4.60	T01N R18E S2	Lot 2	NWNE	0.20
T01N R18E S2		SENE	11.00				
Total Acres: 15.8							

Conditions of Approval:

1. 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.
2. Right Nos. 37-1227A, 37-2468A, 37-7745C, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 58.8 acres in a single irrigation season.
3. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
4. E55 Right Nos. 37-1227A, 37-2468A, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 30.8 acres in a single irrigation season.
5. The place of use is the Cal Pacifico Ranch Subdivision.

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

Current Water Right No.: 37-2468a

Current Owner: ECCLES WINDOW ROCK RANCH LLC
Priority Date: 2/15/1945
Origin: Adjudication Recommendation
Status: Active
Basis: License

Source	Tributary		
LEES GULCH	BIG WOOD RIVER		
Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/15 to 10/31	0.69 CFS	
	Total Diversion	0.69 CFS	

Location of Point(s) of Diversion

LEES GULCH L2(NE1/4NW1/4NE1/4) Sec. 2, Twp 01N, Rge 18E B.M.
BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T01N R18E S2	Lot 1	NENE	6.50	T01N R18E S2	Lot 2	NWNE	8.50
Total Acres: 15							

Conditions of Approval:

1. 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.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. The point of diversion is located in Lot 2 of the Forest Williams Subdivision.
5. Right Nos. 37-1227A, 37-2468A, 37-7745C, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 58.8 acres in a single irrigation season.
6. The place of use is located in the Forest Williams Subdivision.
7. E55 Right Nos. 37-1227A, 37-2468A, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 30.8 acres in a single irrigation season.

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

Current Water Right No.: 37-7745C

Current Owner: ECCLES WINDOW ROCK RANCH LLC
Priority Date: 10/25/1978
Origin: Adjudication Recommendation
Status: Active
Basis: License

Source	Tributary		
GROUND WATER			
Beneficial Use	From	To	Annual Volume
IRRIGATION	04/01	11/01	175 AF
	Total Diversion		175 AF
Location of Point(s) of Diversion			
GROUND WATER	L1(SE1/4NE1/4NE1/4) Sec. 2, Twp 01N, Rge 18E B.M.		
BLAINE County			

Place of Use

IRRIGATION Within BLAINE County

T01N R18E S2	Lot 1	NENE	25.00	T01N R18E S2	SENE	25.00
Total Acres: 50						

Conditions of Approval:

1. 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.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. Right Nos. 37-1227A, 37-2468A, 37-7745C, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 59.5 acres in a single irrigation season.
4. This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.
5. T08 Failure of the right holder to comply with the conditions of this transfer #4707 is cause for the Director to rescind approval of the transfer.
6. R30 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the place of use for this right.
7. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
8. R19 The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.

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

Current Water Right No.: 37-20936

Current Owner: ECCLES WINDOW ROCK RANCH LLC
 Priority Date: 6/1/1885
 Origin: Adjudication Recommendation
 Status: Active
 Basis: Decreed

Source		Tributary	
BIG WOOD RIVER		MALAD RIVER	
Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/15 to 10/31	0.6 CFS	
	Total Diversion	0.6 CFS	
Location of Point(s) of Diversion			
BIG WOOD RIVER		L1(SW1/4NE1/4NE1/4)	Sec. 2, Twp 01N, Rge 18E B.M.
BLAINE County			

Place of Use

IRRIGATION Within BLAINE County

T01N R18E S2	Lot 1	NENE	17.00	T01N R18E S2	Lot 2	NWNE	9.50
T01N R18E S2		SENE	14.00				
Total Acres: 40.5							

Conditions of Approval:

1. Source is known locally as the Bradford Slough.
2. The point of diversion is located in Lot 3 of the Forest Williams Subdivision, and is known as the #42-P2 pump.
3. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
4. P21 This right is a split from former right 37-315B.
5. The place of use is the Cal Pacific Ranch Subdivision and the Forest Williams Subdivision.
6. E55 Right Nos. 37-1227A, 37-2468A, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 40.5 acres in a single irrigation season.
7. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
8. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
9. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
10. Right Nos. 37-1227A, 37-2468A, 37-7745C, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 59.5 acres in a single irrigation season.
11. 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.

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

Current Water Right No.: 37-20938

Current Owner: ECCLES WINDOW ROCK RANCH LLC

Priority Date: 6/1/1886

Origin: Adjudication Recommendation

Status: Active

Basis: Decreed

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Total Diversion

Diversion Rate

0.63 CFS

0.63 CFS

Annual Volume

Location of Point(s) of Diversion

BIG WOOD RIVER

BLAINE County

L1(SW1/4NE1/4NE1/4)

Sec. 2, Twp 01N, Rge 18E B.M.

Place of Use

IRRIGATION Within BLAINE County

T01N R18E S2

Lot 1

NENE

17.00

T01N R18E S2

Lot 2

NWNE

9.50

T01N R18E S2

SENE

14.00

Total Acres: 40.5

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Conditions of Approval:

1. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
2. Source is known locally as the Broadford Slough.
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. The place of use is the Cal Pacifico Ranch Subdivision and the Forest Williams Subdivision.
5. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
6. The point of diversion is located in Lot 1 of the Forest Williams Subdivision, and is known as the #42-P2 pump.
7. E55 Right Nos. 37-1227A, 37-2468A, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 40.5 acres in a single irrigation season.
8. Right Nos. 37-1227A, 37-2468A, 37-7745C, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 59.5 acres in a single irrigation season.
9. P21 This right is a split from former right 37-686B.

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

Current Water Right No.: 37-20940

Current Owner: ECCLES WINDOW ROCK RANCH LLC
Priority Date: 8/15/1902
Origin: Adjudication Recommendation
Status: Active
Basis: Decreed

Source
BIG WOOD RIVER

Tributary
MALAD RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	04/15	to 10/31	1.1 CFS	
	Total Diversion		1.1 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER
BLAINE County

L1(SW1/4NE1/4NE1/4) Sec. 2, Twp 01N, Rge 18E B.M.

Place of Use

IRRIGATION Within BLAINE County

T01N R18E S2	Lot 1	NENE	17.00	T01N R18E S2	Lot 2	NWNE	9.50
T01N R18E S2		SENE	14.00				

Total Acres: 40.5

Conditions of Approval:

1. Right Nos. 37-1227A, 37-2468A, 37-7745C, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 59.5 acres in a single irrigation season.
2. Source is known locally as the Broadford Slough.
3. P21 This right is a portion of former rights 37-688D and 37-688E.
4. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. E55 Right Nos. 37-1227A, 37-2468A, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 40.5 acres in a single irrigation season.
6. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
7. The point of diversion is located in Lot 1 of the Forest Williams Subdivision, and is known as the #42-P2 pump.
8. 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.
9. The place of use is the Cal Pacifico Ranch Subdivision and the Forest Williams Subdivision.

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

Current Water Right No.: 37-20944

Current Owner: ECCLES WINDOW ROCK RANCH LLC

Priority Date: 6/10/1880

Origin: Adjudication Recommendation

Status: Active

Basis: Decreed

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 11/01

Total Diversion

Diversion Rate

0.25 CFS

0.25 CFS

Annual Volume

Location of Point(s) of Diversion

BIG WOOD RIVER

BLAINE County

L1(SW1/4NE1/4NE1/4)

Sec. 2, Twp 01N, Rge 18E B.M.

Place of Use

IRRIGATION Within BLAINE County

T01N R18E S2	Lot 1	NENE	17.00	T01N R18E S2	Lot 2	NWNE	9.50
T01N R18E S2		SENE	14.00				

Total Acres: 40.5

Conditions of Approval:

1. This right is a split from former right 37-713C.
2. 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.
3. The place of use is the Cal Pacifico Ranch Subdivision and the Forest Williams Subdivision.
4. E55 Right Nos. 37-1227A, 37-2468A, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 40.5 acres in a single irrigation season.
5. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
6. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. Source is known locally as the Broadford Slough.
8. The point of diversion is located in Lot 1 of the Forest Williams Subdivision, and is known as the #42-P2 pump.
9. Right Nos. 37-1227A, 37-2468A, 37-7745C, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 59.5 acres in a single irrigation season.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the 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 116 pages and _____ attachments.

Received by J. Cooper Date 2/2/2010 Prelim. Check by _____ Date _____

Fee Paid \$410 Date 2/2/2010 Receipted by J. Cooper Receipt # 5031787

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

No. W 15397	Due no later than May 31, 2011 Annual Report Form	2. Registered Agent and Address (NO PO BOX)	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		JAMES B YOUNG 877 W. MAIN STREET, SUITE 800 BOISE ID 83702-5858	
	1. Mailing Address: Correct in this box if needed. ECCLES WINDOW ROCK RANCH LLC PO BOX 3028 SALT LAKE CITY UT 84110	3. <u>New</u> Registered Agent Signature:*	
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.			
Office Held	Name	Street or PO Address	City State Country Postal Code
MANAGER	SPENCER F ECCLES	PO BOX 3028	SALT LAKE CITY UT USA 84110
5. Organized Under the Laws of: UT W 15397	6. Annual Report must be signed.* Signature: Spencer F. Eccles Date: 03/24/2011 Name (type or print): Spencer F. Eccles Title: Manager		
Processed 03/24/2011		* Electronically provided signatures are accepted as original signatures.	

Transfer 77081

ATTACHMENT #7A

Brockway Engineering, PLLC
ALR -JAN. 31, 2011

Eccles_recprod.shp

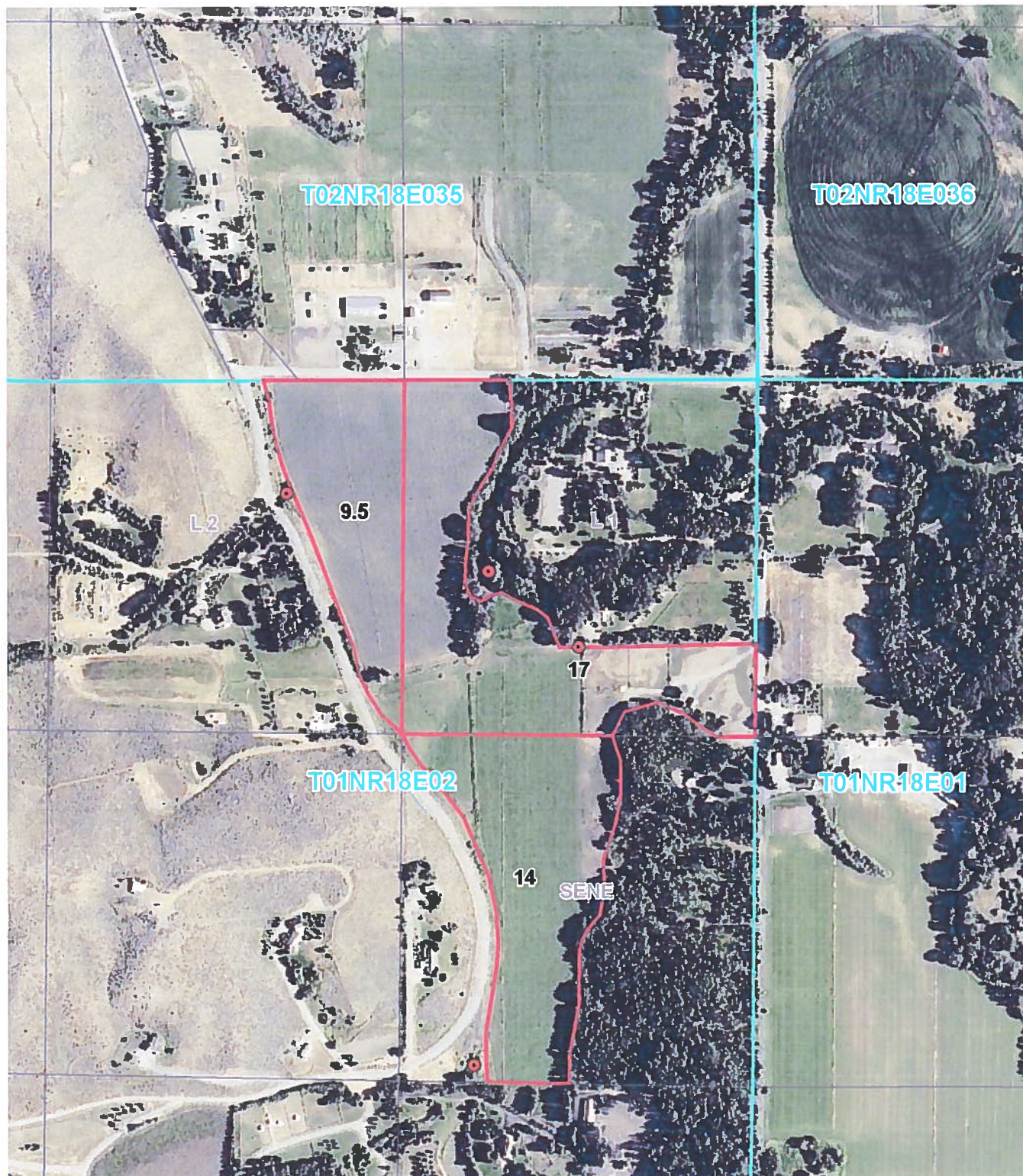
- BIG WOOD RIVER
- GROUND WATER
- LEES GULCH
- TOWNSEND GULCH

Water Distribution

- Ditch
- Piping
- Wheel Line
- QQ lines

Section_Lines





1 inch equals 550 feet

**ECCLES WINDOW ROCK RANCH
TRANSFER 2011 PPU - WEST
NAIP 2009 AERIAL**

TRANSFER 77081

ATTACHMENT #7B

- Legend**
- Points of Diversion
 - QQ lines
 - WindowRockWest
 - Section_Lines



LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

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

All water rights relating to Eccles Flying Hat Ranch.

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

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

Dated this 4th day of March 2010.

Spencer Eccles

Signature

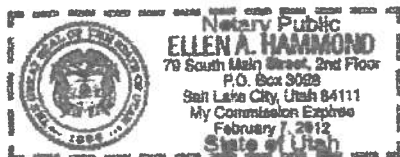
Signature

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

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

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

S
E
A
L



Ellen A. Hammond

Notary Public

In and for said State and County

February 7, 2012

My Commission Expires

QUITCLAIM DEED

FOR VALUE RECEIVED, ERNEST W. TOWNSEND and BARBARA L. TOWNSEND, husband and wife, hereinafter referred to as "Grantors", do hereby grant, convey, release, remise and forever quitclaim unto ECCLES WINDOW ROCK RANCH LLC, a Utah limited liability company, whose address is P.O. Box 3028, Salt Lake City, Utah, 84110, any and all right, title and interest which Grantors, or either of them, may have in and to State of Idaho Water Right 37-7745C.

To have and to hold the said premises and their appurtenances unto the said Grantee, its successors and assigns, forever.

DATED this 25 day of October, 2010.

"GRANTORS"

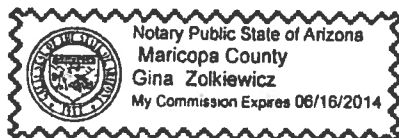

ERNEST W. TOWNSEND


BARBARA L. TOWNSEND

STATE OF Arizona)
County of Maricopa) ss.

On the 25 day of October, 2010, before me, a Notary Public, in and for said County and State, personally appeared ERNEST W. TOWNSEND, known or identified to me to be the individual 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.

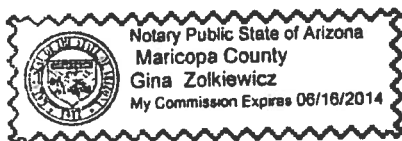



NOTARY PUBLIC
Residing at: 10333 Rockaway Hills Scottsdale
My commission expires: 06/16/2014 AZ85261

STATE OF Arizona)
County of Maricopa)ss.

On the 25 day of October, 2010, before me, a Notary Public, in and for said County and State, personally appeared BARBARA L. TOWNSEND, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that she 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.



Gina Zolkiewicz

NOTARY PUBLIC

Residing at: 10333 Rockwell Court Hills Scottsdale
My commission expires: 10/16/2014 AZ 85762

lrm\realest\qcd water eccles.2

State of Idaho
Department of Water Resources
Transfer of water right (s)

RECEIVED
OCT 18 2012
DEPT. OF WATER RESOURCES
SOUTHERN REGION

RECOMMENDATION OF WATERMASTER

Application No. *Transfer* 77081

Water Right No.(s) 37-1227A, 37-2468A, 37-7745C, 37-20936, 37-20938, 37-20940,
37-20944, [REDACTED]

Applicant's Name *Window Rock Ranch*

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) I do not oppose approval of this application if it is conditioned as follows:
- b) I oppose approval of this application for the following reasons:
- c) Additional Comment:

Dated *October 18, 2012*

Water Districts 37 and 37M

Kevin Lakey
Watermaster Signature

Kevin Lakey
Printed Name

MEMORANDUM

Date: October 17, 2012
To: Transfer 77081 File
From: Jeff Cooper
Re: Evaluation of Sufficiency of Information Submitted

Application proposes to change the place of use (POU) for the following irrigation rights: 37-1227A (0.8 CFS, Townsend Gulch), 37-2468A (0.69 CFS, Lees Gulch), 37-7745C (0.93 CFS, Groundwater), 37-20936 (0.6 CFS, Big Wood River), 37-20938 (0.63 CFS, Big Wood River), 37-20940 (1.1 CFS, Big Wood River), & 37-20944 (0.25 CFS, Big Wood River). Rights 37-20936, 37-20938, 37-20940, & 37-20944 were partially decreed on a 40.5-acre POU located approximately 0.7 to 0.9 mi. W & 0.3 to 0.8 mi. S of Bellevue. Rights 37-1227A & 37-2468A were partially decreed on ground within that described POU, but not appurtenant to the entire 40.5 acres. Right 37-7745C included ground that overlapped the 40.5 acres but also included adjacent ground not owned by the applicant, but by the neighbor to the east (Ernest & Barbara Townsend). Applicant proposes to create a PPU that includes all of the rights on the same POU as 37-20936, 37-20938, 37-20940, & 37-20944 on ground solely owned by the applicant.

Rights 37-1227A & 37-2468A were partially decreed in the SRBA in September, 2010 and contain the two following conditions:

- (1) Rights Nos. 37-1227A, 37-2468A, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 30.8 acres in a single irrigation season.
- (2) Rights Nos. 37-1227A, 37-2468A, 37-20936, 37-20938, 37-20940, 37-20944, and 37-7745C are limited to the irrigation of a combined total of 58.8 acres in a single irrigation season.

Rights 37-20936, 37-20938, 37-20940, 37-20944, & 37-7745C were partially decreed in the SRBA in March, 2012 and contain the two following conditions:

- (1) Rights Nos. 37-1227A, 37-2468A, 37-20936, 37-20938, 37-20940, and 37-20944 are limited to the irrigation of a combined total of 40.5 acres in a single irrigation season.
- (2) Rights Nos. 37-1227A, 37-2468A, 37-20936, 37-20938, 37-20940, 37-20944, and 37-7745C are limited to the irrigation of a combined total of 40.5 acres in a single irrigation season.

Since the decree for the last five rights is the latter of the decrees, it is assumed that the conditions supersede those of the earlier decreed rights. Subsequently, the conditions on 37-1227A & 37-2468A were updated reflect to the conditions in rights 37-20936, 37-20938, 37-20940, 37-20944, & 37-7745C. Additionally, since the proposed POU was smaller than the 50 acres allowed under groundwater right 37-7745C, the allowed acres under that right was

adjusted to that of the proposed POU (40.5 acres). This also required a reduction of flow & volume from 0.93 CFS to 0.81 CFS and 175 AFA to 142 AFA respectively to conform to the condition within 37-7745C limiting the total flow to 0.02 CFS/acre & 3.5 AF/acre.

Several of the rights included in this transfer occur under the jurisdiction of the Big Wood River Water District (37) so watermaster comments were solicited. Groundwater right 37-7745C occurs within the Upper Big Wood Groundwater Measurement District, so appropriate conditions were recommended upon approval. Because of the nature of the changes proposed in this transfer application, it is recommended that this transfer be processed without a public notice and protest period.

- **Authority to File:**

The applicant, Eccles Window Rock Ranch, is listed with the Department as the current owner on the rights involved in this transfer. Applicant provided a quit claim deed from Ernest & Barbara Townsend relinquishing any interest in right 37-7745C which was decreed on their ground.

- **Water Right Validity:**

Rights 37-1227A & 37-2468A were partially decreed in the SRBA in September, 2010. Rights 37-20936, 37-20938, 37-20940, 37-20944, & 37-7745C were partially decreed in the SRBA in March, 2012, so forfeiture is not an issue.

- **Injury to Other Water Rights:**

None anticipated or foreseen.

- **Enlargement of Use:**

None anticipated.

- **Local Public Interest:**

No issues anticipated.

- **Beneficial Use/Conservation of Water Resources:**

Proposed use is recognized as a beneficial use of water.

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.

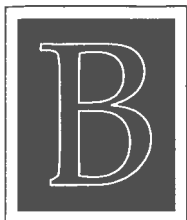
Recommendations V1						
Right	Source	Flow	Acres	AFA	Acres	58.8
37-1227A	Townsend Gulch	0.8	15.8			37-1227A
37-2468A	Lees Gulch	0.69	15			37-2468A
37-7745C	Groundwater	0.93	50	175		37-20936
37-20936	Big Wood River	0.6	30.8			37-20938
37-20938	Big Wood River	0.63	30.8			37-20940
37-20940	Big Wood River	1.1	30.8			37-20944
37-20944	Big Wood River	0.25	30.8			37-7745C

Recommendations V2						
Right	Source	Flow	Acres	AFA	Acres	40.5
37-1227A*	N/A	N/A	N/A	N/A		37-1227A*
37-2468A*	N/A	N/A	N/A	N/A		37-2468A*
37-7745C	Groundwater	0.93	50	175		37-20936
37-20936	Big Wood River	0.6	40.5			37-20938
37-20938	Big Wood River	0.63	40.5			37-20940
37-20940	Big Wood River	1.1	40.5			37-20944
37-20944	Big Wood River	0.25	40.5			37-7745C

*No V2

Decrees						
Right	Source	Flow	Acres	AFA	Acres	40.5
37-1227A	Townsend Gulch	0.8	15.8			37-1227A
37-2468A	Lees Gulch	0.69	15			37-2468A
37-7745C	Groundwater	0.93	50	175		37-20936
37-20936	Big Wood River	0.6	40.5			37-20938
37-20938	Big Wood River	0.63	40.5			37-20940
37-20940	Big Wood River	1.1	40.5			37-20944
37-20944	Big Wood River	0.25	40.5			37-7745C

After Transfer T77081						
Right	Source	Flow	Acres	AFA	Acres	40.5
37-1227A	Townsend Gulch	0.8	15.8			37-1227A
37-2468A	Lees Gulch	0.69	15			37-2468A
37-7745C	Groundwater	0.81	40.5	142		37-20936
37-20936	Big Wood River	0.6	40.5			37-20938
37-20938	Big Wood River	0.63	40.5			37-20940
37-20940	Big Wood River	1.1	40.5			37-20944
37-20944	Big Wood River	0.25	40.5			37-7745C



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

February, 7, 2011

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

RECEIVED
FEB 09 2011
DEPT. OF WATER RESOURCES
SOUTHERN REGION

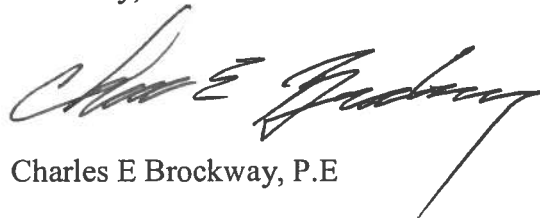
Re: Applications for transfer –Eccles Window Rock Ranch

Dear Allen:

Enclosed is a completed application for transfer prepared on behalf of Eccles Window Rock Ranch. The transfer seeks to create a permissible place of use to clean up current place of use problems that exist. This transfer is a result of the discussion with Doug Jones to solve the place of use issues in the current SRBA proceeding.

I have also attached the contracts which demonstrate proper authority to file the enclosed transfers. Fees for this proposed transfer is included on check #9899, in the amount of \$410.00. If you have any questions or need additional information, please don't hesitate to ask.

Sincerely,



Charles E Brockway, P.E

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

Enc. Transfer Application
Check #9899

cc: Marc Reinemann
Brian Brockette