

RECEIVED

Pg. 1 of 8

SEP 18 2012

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78162DEPT. OF WATER RESOURCES
SOUTHERN REGION**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. 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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

78162

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SEP 18 2012

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1DEPT. OF WATER RESOURCES
SOUTHERN REGION

Applicant(s) Heart Rock Ranch LLC

Phone 788-3763
650-851-0993

Mailing address P.O. Box 3724 Hailey, ID 83333

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 Zach Latham- Brockway Engineering

Phone 208-736-8543

Mailing address 2016 Washington Ave. N Suite #4 Twin Falls, ID 83301

Email

☐ Send all correspondence for this application to the representative and not to the applicant.

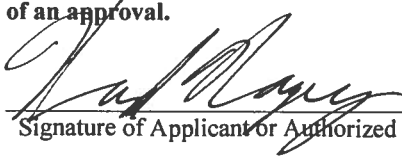
OR

☒ 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.



Signature of Applicant or Authorized Representative

HARRY HAGEY - Owner

Print Name and Title if applicable

9/17/12

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. Applicant seeks to change place of use of non-consumptive wildlife, aesthetic and stockwater 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 ☒ ☐	37-22051	2.75 /	Wildlife	01/01 to 12/31	Ground Water / NA
☐ ☐		0.04 /	Stockwater	01/01 to 12/31	Ground Water / NA
☐ ☐		2.75 /	Aesthetic	01/01 to 12/31	Ground Water / NA
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.75 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 2.75 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 #

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	
01S	18E	14		WSJ			WSJ	WSJ	WSJ										
01S	18E	15	WSJ			WSJ							WSJ	WSJ	WSJ	WSJ	WSJ		
01S	18E	21	WSJ		WSJ	WSJ			WSJ	WSJ					WSJ	WSJ			
01S	18E	22						WSJ	WSJ										

Total Acres (for irrigation use) _____

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:

Applicant plans to install a measuring device approved by IDWR as mandated under the UWRWMD Measurement Plan.

- 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:

N/A.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A.

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

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

None.

- 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:

Applicant seeks no change to the attributes of associated irrigation water right 37-2492.

- 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:

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

Current Water Right No.: 37-22051

Current Owner: HEART ROCK RANCH LLC

Priority Date: 9/16/1948

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
WILDLIFE	01/01 to 12/31	2.75 CFS	
STOCKWATER	01/01 to 12/31	0.04 CFS	
AESTHETIC	01/01 to 12/31	2.75 CFS	
	<u>Total Diversion</u>	2.75 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4	Sec. 14,	Twp 01S,	Rge 18E B.M.
BLAINE County				

Place of Use

WILDLIFE Within BLAINE County

T01S R18E S14	NENE	T01S R18E S14	NWNE
T01S R18E S14	SWNE	T01S R18E S14	SENE
T01S R18E S14	NENW	T01S R18E S14	SENW

STOCKWATER Within BLAINE County

T01S R18E S14	NENE	T01S R18E S14	NWNE
T01S R18E S14	SWNE	T01S R18E S14	SENE
T01S R18E S14	NENW	T01S R18E S14	SENW

AESTHETIC Within BLAINE County

T01S R18E S14	NENE	T01S R18E S14	NWNE
T01S R18E S14	SWNE	T01S R18E S14	SENE
T01S R18E S14	NENW	T01S R18E S14	SENW

Conditions of Approval:

1. X35 Rights 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-69B, 37-70, 37-71B, 37-139, 37-180, 37-181, 37-230, 37-231A, 37-231B, 37-232, 37-233, 37-310A, 37-577AZ, 37-1187, 37-1207, 37-2492, 37-2538, 37-2597, 37-2764, 37-19831, 37-22050, 37-22051, 37-22052, 37-22459 and 37-22533 when combined shall not exceed a total diversion rate of 78.1 cfs.
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. E51 Right Nos. 37-2492 and 37-22051 are limited to a total combined diversion rate of 2.75 cfs.
4. The wildlife and aesthetic uses described for this water right are subordinated to all existing and future consumptive use water rights from surface and ground water sources in Basin 37.
5. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
6. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
7. X35 Rights 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-69B, 37-70, 37-71B, 37-139, 37-180, 37-181, 37-230, 37-231A, 37-231B, 37-232, 37-233, 37-577AZ, 37-1187, 37-1207, 37-2492, 37-2538, 37-2597, 37-2764, 37-22050, 37-22051, 37-22052, 37-22459 and 37-22533 when combined shall not exceed a total diversion rate of 76.74 cfs.

Decreed Date: 8/31/2010

Total Acres (for irrigation use) _____

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**.

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.:

[illegible]

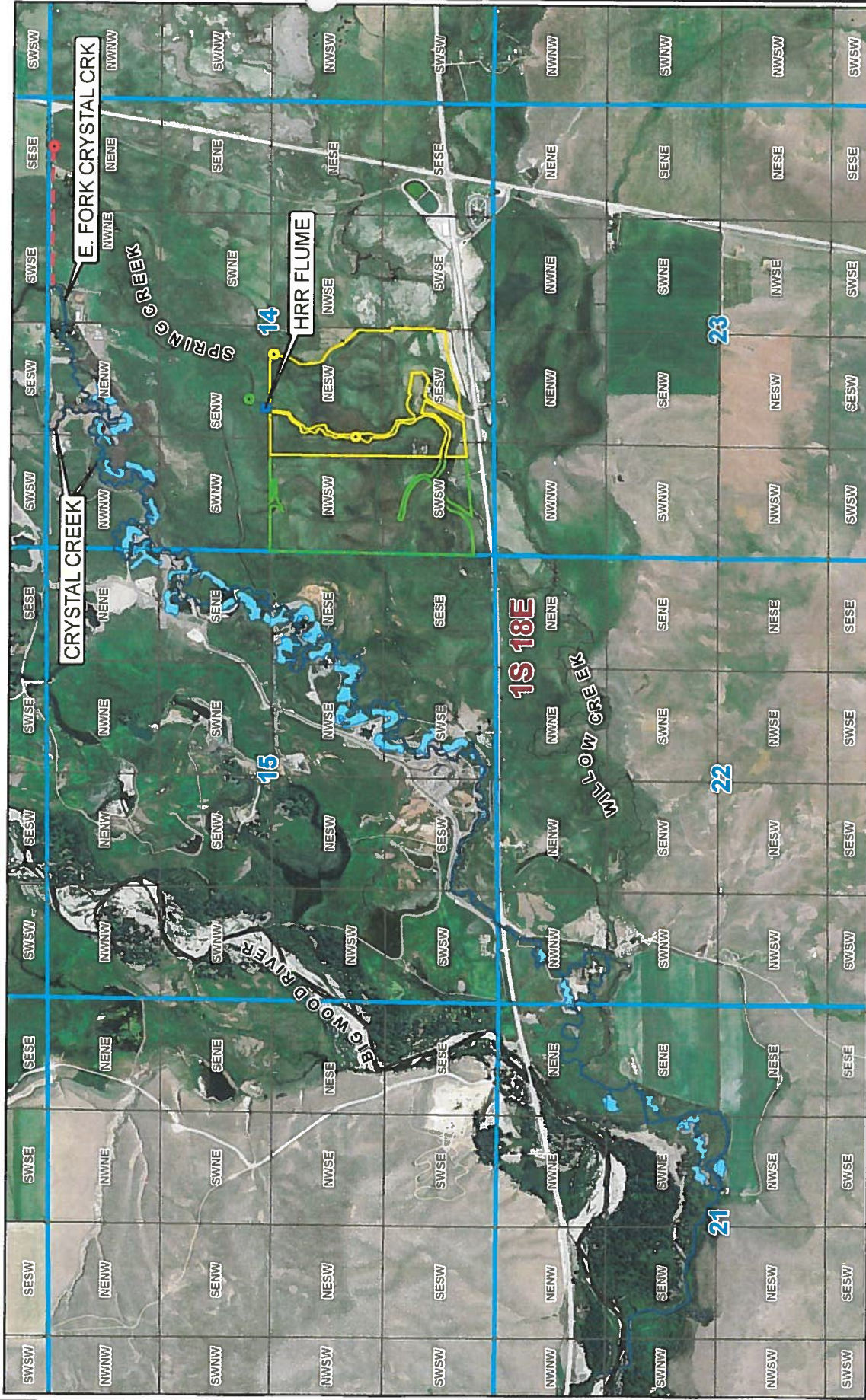
FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 3 attachments.

Received by DM Date 9-18-2012 Prelim. Check by HA Date 9/24

Fee Paid \$6600- Date 9-18-2012 Received by S032798 Receipt # DM

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

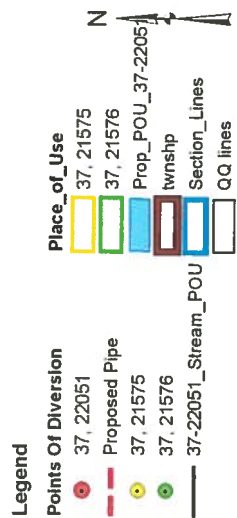


HEART ROCK RANCH PROPOSED POU TRANSFER 2012, 37-22051 NAIP 2011 AERIAL

TRANSFER 78162



Brockway Engineering, PLLC
ALR - SEPT. 13, 2012





Heart Rock Ranch LLC- Water Right Transfer Narrative

To: Mr. Allen Merritt, IDWR Southern Region Office

From: Zach Latham, Charles E. Brockway

TRANSFER 78162

Cc:

Date: September 18, 2012

Re: Heart Rock Ranch Water Right Transfer App- 37-22051

This memo serves as a narrative in support of the water right transfer application filed on behalf of the Heart Rock Ranch LLC by Brockway Engineering whose intent is to change the place of use of ground water right 37-22051 from Spring Creek, to Crystal Creek. Irrigation ground water right 37-2492 and wildlife, aesthetic and stockwater ground water right 37-22051 are diverted from a well in T.01S R.18E SEC.14 NENE (see attached map). The irrigation diversion rate is limited to 2.75 cfs, and the combined wildlife, aesthetic and stockwater use diversion rates are limited to 2.75. Both 37-2492 and 37-22051 are limited to a total combined diversion rate of 2.75 cfs. 37-2492 is authorized to be diverted for irrigation use from 4/15 through 10/31, and 37-22051 is authorized to be diverted for wildlife, aesthetic and stockwater uses year round. In conjunction with the Upper Wood Rivers Water Measurement District, (plan has been filed), HRR plans to install a magnetic flow meter on the source well for 37-2492 and 37-22051. The meter will meet IDWR specifications and will be installed on the well before May 1st 2013 or the start of the 2013 irrigation season.

Historically, 37-22051 has flowed onto the ground and has been distributed via surface water ditches and overland flow, likely entered Spring Creek to provide water for wildlife, aesthetics and stock. Additionally, no well water enters Spring Creek as no pipe from the well to Spring Creek exists. Spring Creek water flows into Willow Creek, upstream of the location where Crystal Creek flows into Willow Creek. This water then flows into the Big Wood River downstream of Stanton Crossing and USGS Gauging station 13140800. Additionally, water in the East Fork of Crystal Creek flows into Crystal Creek and Crystal Creek flows into Willow Creek downstream of the Spring Creek and Willow Creek confluence. All Willow Creek water enters the Big Wood River.

Heart Rock Ranch (HRR) seeks to allow water under 37-22051 to be diverted into a pipe and conveyed westward along the lane road where it will enter the East Fork of Crystal Creek in order to provide water year round for wildlife, aesthetic and stockwater uses in the stream at HRR's discretion (see attached map).

HRR does not seek to expand the consumptive use of either 37-2492 or 37-22051 and HRR does not anticipate any expansion in consumptive use due to additional water in Crystal Creek because the mitigation of open water evaporation has been accounted for under 37-22459 dealing with the open water storage features in Crystal Creek. Under water right permit 37-22459, water is allowed to be used on the Heart Rock Ranch for aesthetic storage, wildlife storage, recreation storage, and is allowed to be diverted to storage. Mitigation for open water evaporation was offered to and accepted by IDWR in approval process for 37-22459 and all open water storage features associated with stream restoration effort have been mitigated for under 37-22459. The uses associated with 37-22459 are authorized on Crystal Creek, Spring Creek, Black Slough and Willow Creek. The flow rate associated with 37-22051 is not anticipated to increase the wetted area of the storage features during those months when evaporation may occur (March through October).

HRR does not anticipate injury to any Spring Creek or other downstream water user as a result of the approval of this water right transfer application. Spring Creek lies directly west of the well associated with both water rights listed above. Two irrigation water rights have points of diversion from Spring Creek on the southern end of HRR property or on the south side of the property line. Water rights 37-21575 (owned by Mardene Weston) and 37-21576 (owned by Jones Construction INC) have a combined diversion rate of 4.63 cfs. Water right 37-21576 (2.13 cfs) has a point of diversion (concrete check structure) in Spring Creek above a parshall flume installed in Spring Creek on HRR property, near the southern HRR property line (concrete diversion location for 37-21576 affirmed per telephone correspondence with District 37 Watermaster Kevin Lakey on 9/12/12). Data collected by HRR shows flows during the irrigation season leaving the HRR are adequate to supply irrigation water requirements for water right 37-21575. Irrigation water under water right 37-21576 is diverted from Spring Creek upstream of the HRR flume.



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

October 12, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

HEART ROCK RANCH LLC
PO BOX 3724
HAILEY, ID 83333

RE: Transfer No. 78162
Water Right No(s). 37-22051

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **IDAHO MOUNTAIN EXPRESS** on **10/17/2012 and 10/24/2012**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**November 5, 2012**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

cc:

BROCKWAY ENGINEERING PLLC
C/O ZACH LATHAM
2016 N WASHINGTON ST STE 4
TWIN FALLS, ID 83301

Maline, Denise

From: Maline, Denise
Sent: Friday, October 12, 2012 8:56 AM
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 October 17th & 24th, 2012. 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

October 12, 2012

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

RE: Application For Permit No.(s): 37-22783

RE: Transfer No. 78162
Water Right No(s): 37-22051

RE: Transfer No. 78191
Water Right No(s): 37-22764

RE: Transfer No. 78192
Water Right No(s): 37-22765

RE: Transfer No. 78193
Water Right No(s): 37-22766

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 November 5, 2012. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-22783

BRADLEY S WIRTH

MARY C WIRTH

PO BOX 718

KETCHUM, ID 83340

Point of Diversion NENESE S35 T02N R18E BLAINE County Source GROUND WATER Tributary

Use: COOLING 01/01 to 12/31 0.1 CFS

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: HEATING 01/01 to 12/31 0.1 CFS

Total Diversion: 0.14 CFS

Date Filed: 10/10/2012

Place Of Use: HEATING, COOLING, DOMESTIC

T02N R18E S35 NESE

Application for Permit 37-22783, filed in the name of Bradley S. and Mary C. Wirth, seeks to appropriate 0.14 cfs of ground water for heating, cooling, and domestic use. Heating and cooling uses will be returned to the aquifer through an injection well. The proposed place of use and point of diversion are located approximately 0.5 miles west of the City of Bellevue at 50 Lower Broadford Road.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78162**

HEART ROCK RANCH LLC, PO BOX 3724, HAILEY, ID 83333 has filed Application No. 78162 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22051. The purpose of the transfer is to change a portion of the above rights as follows: Transfer application proposes changing the place of use for a 0.04 cfs stockwater and 2.75 cfs wildlife and aesthetic ground water right. This right has historically been diverted into Spring Creek through ditches and overland flow and this transfer is seeking to divert it into a pipe and deliver it into Crystal Creek. Proposed place of use is located approximately 12.0 to 13.5 miles south and 0.5 miles west to 1.4 miles east of the town center in Hailey.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78191**

PORTER FAMILY LIVING TRUST, PO BOX 2530, KETCHUM, ID 83340 has filed Application No. 78191 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22764. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the point of diversion for a 0.02 cfs irrigation water right from the East Fork of the Wood River by moving the location approximately 0.5 mile downstream. The new proposed diversion will be located approximately 4.5 miles south and 3.0 miles east of Ketchum within lot 27, Hyndman Peak Subdivision. The right will be utilized to irrigate 0.5 acre within lot 27, Hyndman Peak Subdivision.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78192**

PORTER FAMILY LIVING TRUST, PO BOX 2530, KETCHUM, ID 83340 has filed Application No. 78192 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22765. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the point of diversion for a 0.10 cfs irrigation water right from the East Fork of the Wood River by moving the location approximately 0.5 mile downstream. The new proposed diversion will be located approximately 4.5 miles south and 3.0 miles east of Ketchum within lot 27, Hyndman Peak Subdivision. The right will be utilized to irrigate 2.5 acre within lot 28, Hyndman Peak Subdivision.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78193**

PORTER FAMILY LIVING TRUST, PO BOX 2530, KETCHUM, ID 83340 has filed Application No. 78193 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22766. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the point of diversion for a 0.17 cfs irrigation water right from the East Fork of the Wood River by moving the location approximately 0.5 mile downstream. The new proposed diversion will be located approximately 4.5 miles south and 3.0 miles east of Ketchum within lot 27, Hyndman Peak Subdivision. The right will be utilized to irrigate 4.35 acre within lot 29, Hyndman Peak Subdivision.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before November 5, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on October 17th & 24th, 2012



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

October 12, 2012

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

RE: Transfer No. 78191
Water Right No(s). 37-22764

RE: Transfer 78192
Water Right No(s). 37-22765

RE: Transfer 78193
Water Right No(s). 37-22766

RE: Transfer 78162
Water Right No(s). 37-22051

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

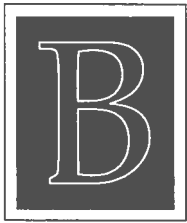
Date: September 25, 2012
To: Transfer 78162
From: William Mills
Re: Evaluation of Sufficiency of Information Submitted

Application proposes changing the place of use for a 0.04 cfs stockwater and 2.75 cfs wildlife and aesthetic ground water right, 37-22051. Historically, water for this right was delivered through surface water ditches and overland flow entering Spring Creek and providing water for stock, wildlife and aesthetic uses. The applicant now seeks to divert the water into a pipe and deliver it into Crystal Creek instead of Spring Creek. Proposed place of use is located approximately 12.0 to 13.5 miles south and 0.5 miles west to 1.4 miles east of the town center in Hailey.

Overlap analysis for point of diversion indicates a shared pod (well) with water right 37-2492. These two rights are limited to a combined diversion rate of 2.75 cfs. Place of use overlap indicates overlap for Aesthetic and wildlife for the following water rights: 37-60; 37-61; 37-62; 37-63A; 37-64A; 37-66A; 37-67B; 37-68A; 37-139; 37-180; 37-181; 37-230; 37-231A; 37-231 b; 37-232; 37-233; 37-577AZ; 37-1207; 37-2492; 37-2538; 37-2597; 37-2764; 37-22050; 37-22052; 37-22459; and 37-2253. These rights, along with 37-1187 are limited to a combined diversion rate of 76.74 cfs.

- **Authority to File:**
IDWR records indicate the applicant currently owns the water right and lands the right is being transferred to.
- **Water Right Validity:**
Water right 37-22051 was decreed in the SRBA on 8/31/2010. Developed ponds in the place of use are visible in 2012 and 2011 aerial and satellite imagery.
- **Injury to Other Water Rights:**
None anticipated. Application is subject to public notice and potential protest.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses 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.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

SEP 18 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

September 18th, 2012

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

RE: Heart Rock Ranch LLC- Water Right Transfer Application- 37-22051.

Dear Corey,

Attached is a water right transfer application filed on behalf of Heart Rock Ranch LLC that seeks to change the place of use for ground water right 37-22051. Ground water right 37-22051 currently allows year round wildlife, stock water and aesthetic uses with an associated flow rate of 2.75 cfs. Water right 37-22051 is diverted from the same well as irrigation water right 37-2492 and both rights share a combined diversion rate limit of 2.75 cfs. A narrative explaining the intent of the water right transfer has also been included.

A check from Brockway Engineering for \$660.00 dollars has been attached. Please copy our office on all correspondence regarding this water right transfer application. Don't hesitate to call our office should you have any further questions or comments. Thanks for your time and assistance on this matter.

Regards,

Zach Latham, M.S., Hydrologist

Enclosures: (1) Water Right Transfer Application and Map
(1) Water Right Transfer Supporting Narrative
(1) Brockway Engineering Check # 11016

Cc: Heart Rock Ranch LLC

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