

RECEIVED

Rev. 06/09

SEP 14 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78192

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: _____

RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78192

SEP 14 2012

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**DEPT. OF WATER RESOURCES
SOUTHERN REGIONName of Applicant(s) Porter Family Living TrustPhone 208-788-3490Mailing address PO Box 2530 Ketchum, Idaho 83340

Email _____

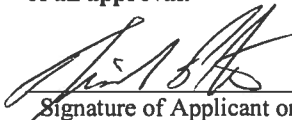
- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the 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 RepresentativeName of Representative Greg Sullivan of Brockway EngineeringPhone 208-736-8543Mailing address 2016 North Washington Street, Suite 4 Twin Falls Idaho 83301Email greg.sullivan@brockwayeng.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.



Signature of Applicant or Authorized Representative

RICHARD PORTER
Print Name and Title if applicable

9/11/2012
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. Change the point of diversion**.

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 ☒ ☐	37-22765	0.1/	Irrigation	4/15 to 10/31	East Fork Wood River
☐ ☐				to	Big Wood River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

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

2. Total amount of water proposed to be transferred or changed 0.1/ 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 #
		NW	SE	SW	3	03N	18E	Blaine	East Fork Wood River	

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	

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: Proposed Booster pump and existing main lines.

- b. Who owns the property at the point(s) of diversion? Porter Family Living Trust

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: 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: _____

No Change

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: _____

None

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: _____

Page 4 of 6

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

Current Water Right No.: 37-22765

Current Owner: PORTER FAMILY LIVING TRUST

Priority Date: 6/3/1884

Origin: Water Right

Status: Active

Basis: Decreed

Source

EAST FORK WOOD RIVER

Tributary

BIG WOOD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Total Diversion

Diversion Rate

0.1 CFS

0.1 CFS

Annual Volume

Location of Point(s) of Diversion

EAST FORK WOOD RIVER

BLAINE County

NE1/4SE1/4NE1/4

Sec. 3, Twp 03N, Rge 18E B.M.

EAST FORK WOOD RIVER

BLAINE County

SW1/4SW1/4NE1/4

Sec. 3, Twp 03N, Rge 18E B.M.

Place of Use

IRRIGATION Within BLAINE County

T03N R18E S3

SESW

2.50

Total Acres: 2.5

Conditions of Approval:

1. This right shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used.
2. X60 Place of use is located within Lot 28, Hyndman Peak Subdivision.
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 actual diversion rate of this right is .095 cfs.
5. P21 This right is a split from former right 37-539E

Decreed Date: 6/29/2011

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

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 office 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:

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

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 right(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 10 pages and attachments.

Received by DM Date 9-14-2012 Prelim. Check by _____ Date _____

Fee Paid \$200.00 Date 10/14/12 Received by B. Walker Receipt # S032834

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



PORTER, DICK - HYDMAN PEAK SUB. LOT 28
TRANSFER TO CHANGE POD, 37-22765
NAIP 2011 AERIAL

0 125 250 500 Feet

BROCKWAY ENGINEERING, PLLC.
ALR - SEPT 11, 2012

TRANSFER 78192

Legend

-  Points of Diversion
-  Sections
-  Hyndman_Peak_Sub
-  LOT 28 BLK 2
-  twship
-  lades

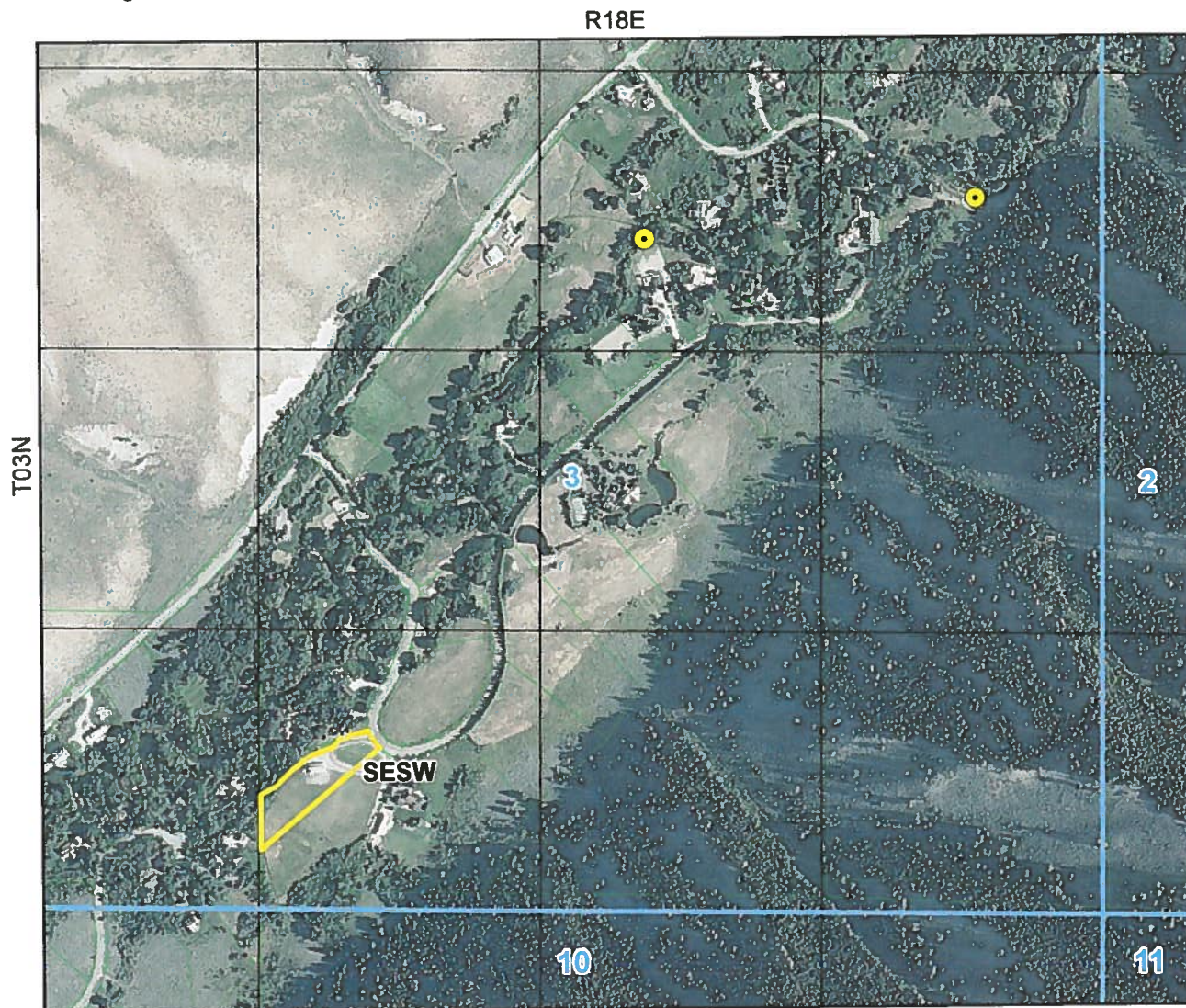


State of Idaho
Department of Water Resources

Water Right
37-22765

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



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

0 0.1 0.2 0.4 Miles

TRANSFER 78192





PORTER, DICK - HYDMAN PEAK SUB. LOT 28
TRANSFER TO ADD POD, 37-22765
NAIP 2011 AERIAL

0 305 610 1,220 Feet

BROCKWAY ENGINEERING, PLLC.
ALR - AUG. 29, 2012

TRANSFER 78192

Legend

- Points of Diversion
- Sections
- Hyndman_Peak_Sub
- LOT 28 BLK 2
- twshp
- ladesco



TRUST AFFIDAVIT
Section 63-602G or Section 63-701, Idaho Code

STATE OF Idaho)
COUNTY OF Blaine) ss.

TRANSFER 78192

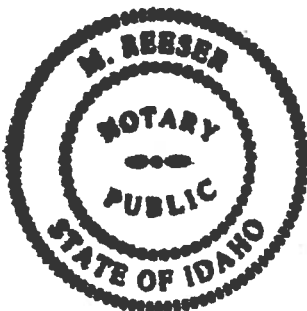
I/We the undersigned, Richard R. Porter & Constance G. Porter, being first duly sworn on oath,
(name)
state that I/we qualify for this exemption under Section 63-602G or this benefit under Section 63-701,
Idaho Code because of the following:

1. The undersigned is/are the beneficiary(ies) of the Richard R. Porter & Constance G. Porter
as Trustees of the
The Porter Family Living Trust trust,
dated April 6 - 2004
(date) (initial name of trust)
established in the county of Blaine on April 6 - 2004
mm dd yy
2. The undersigned occupied the residence identified by RP 0033300 20270A as the
(parcel number) (Cof's 27, 28, 29)
beneficiary(ies) primary dwelling place before April 15, 2004
yy
3. I have attached copies of the pages from the trust document showing the following:
 - a. The name(s) of the grantor(s);
 - b. The name of the beneficiary(ies); and
 - c. The signature(s) of the grantor(s).

DATED 9-9-04

Constance G. Porter
(claimant's signature)
Richard R. Porter
(claimant's signature)

On this 9th day of September in the year of 2004, before me M. Reeser
(notary name)
a notary public personally appeared RICHARD R. PORTER AND CONSTANCE G. PORTER
(individual's (s) name(s))
known to me or identified to me to be the person(s) whose name(s) is (are) subscribed to the within instrument,
and acknowledged to me that he (she) (they) executed the same.



M. Reeser
(Notary Public)
Residing at Bellevue, IDAHO
My Commission Expires on 5-26-2010

TR0000003
04-24-2003

Order No. 10766

DEED OF RECONVEYANCE

FIRST AMERICAN TITLE COMPANY, an Idaho Corporation, as Trustee in the deed of trust executed by Richard R. Porter and Constance G. Porter, husband and wife

Recorded April 10, 1986 as Instrument No. 271979, Mortgage records of Blaine County, Idaho, pursuant to the written request of the beneficiary, does hereby GRANT and RECONVEY unto the PARTIES ENTITLED THERETO,

Lot 27 of HYNDMAN PEAK SUBDIVISION, Blaine County, Idaho

without warranty, all the estate and interest derived to it by or through said Deed of Trust, in the lands therein described.

The corporate name subscribed by its Asst. Secretary, is pursuant to a resolution authorizing the execution of this reconveyance duly adopted by its Board of Directors.

Dated: July 19, 1991

FIRST AMERICAN TITLE COMPANY

Maureen A. Wheeler
Maureen A. Wheeler,
Assistant Secretary

State of Idaho

County of Blaine

On this 19th day of July, 1991, before me, a Notary Public in and for said State, personally appeared Maureen A. Wheeler and known to me to be the Asst. Secretary of the corporation that executed this instrument, of the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

John B.
Notary Public for the State of Idaho
Residing in Blaine County, Idaho
Commission Expires:

After Recording Send To:

Mr. and Mrs. Richard R. Porter
P.O. Box 2530
Ketchum, ID 83340

BLAINE CO. REQUEST

OF FIRST AMERICAN TITLE CO.

1991 JUL 22 P 4:11

331916

MARY GREEN, CLERK

FEES \$

3.00

MP

Latw



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

PORTER FAMILY LIVING TRUST
PO BOX 2530
KETCHUM, ID 83340

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 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 GREG SULLIVAN
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

October 12, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

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)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 12, 2012

IDAHO DEPT OF FISH & GAME
319 S 417 E
JEROME, ID 83338

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 No. 77869
Water Right No(s). 43-10384, 43-10380, 43-11251, 43-11252, 43-11253,
43-165A, 43-11254, 43-11255, 43-11256, 43-11269, 43-11270, 43-168A,
43-169C, 43-170A, 43-171A, 43-172A, 43-173A, 43-178J, 43-10086, 43-12941,
43-12944, 43-12996, 43-12997, 43-12998, 43-12999, 43-13000, 43-13001,
43-13002, 43-13003, 43-13078, 43-13080, 43-13082, 43-13084, 43-13086,
43-13088, 43-13090, 43-13092, 43-13094, 43-13096, 43-13060

RE: Transfer No. 78130
Water Right No(s). 43-13079, 43-13081, 43-13083, 43-13085, 43-13087,
43-13089, 43-13091, 43-13093, 43-13095, 43-13097

RE: Application for Permit No. 47-17588

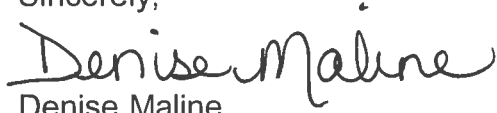
Dear Fish & Game:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days. Due to the size of Transfer no(s). 77869 & 78130, they have been copied onto the enclosed CD for your review.

The Department can publish notice of the application as soon as the initial review is completed. Therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication (**November 5, 2012**).

Please contact this office if you have any questions regarding the application, or you may visit our website at www.idwr.idaho.gov .

Sincerely,

A handwritten signature in black ink that reads "Denise Maline". The signature is written in a cursive style with a large, stylized "D" and "M".

Denise Maline
Administrative Assistant

Enclosure(s)

cc: Tom Bassista, IDFG Idaho Falls

MEMORANDUM

Date: October 5, 2012
To: Transfer 78192 File
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

Application proposes to change the point of diversion for a 0.10 cfs irrigation water right 37-22765 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.

The point of diversion and property is located within Water District 37 therefore water master comments will be requested.

- **Authority to File:**
The applicants are listed as current owners of water right 37-22765. The application included a Deed of Reconveyance and Trust Affidavit showing the applicants ownership of the land involved with the transfer.
- **Water Right Validity:**
Water right 37-22765 was decreed in the SRBA in 2011.
- **Injury to Other Water Rights:**
Water right 37-22765 currently shares point(s) of diversion and ditch(es) with a number of other water rights. Transferring water out of shared diversion(s) and ditch(es) may impact other water rights.
- **Enlargement of Use:**
None anticipated. There is no change to the place of use.
- **Local Public Interest:**
No impact anticipated. Transfer will be subject to public notice and protest
- **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.

Walker, Benny

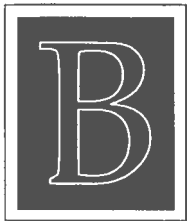
From: Greg Sullivan [greg.sullivan@brockwayeng.com]
Sent: Wednesday, October 03, 2012 1:45 PM
To: Walker, Benny
Subject: Dick Porter

Benny,

The POD for the Dick Porter transfers and Sandor Szombathy transfer will be located on property owned by Dick Porter. The POD will be located in Lot 27 of Hyndman Peak Subdivision, Blaine County, Idaho.

Greg Sullivan
2016 N. Washington St. Suite 4
Twin Falls, Id 83301
208-736-8543

RECEIVED
OCT 03 2012
DEPT. OF WATER RESOURCES
SOUTHERN REGION



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

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

RECEIVED
SEP 14 2012
DEPT. OF WATER RESOURCES
SOUTHERN REGION

September 13, 2012

Allan Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Richard Porter Transfers

Dear Mr. Merritt:

It is proposed to change the point of diversion for water rights 37-22764, 37-22765 and 37-22766. Attached to this letter are transfer applications for each of the three water rights. The proposed new diversion point will be on property owned by Richard and Constance Porter.

The ownership of the water rights, the place of use of the water rights and the beneficial use of the water rights will not be changing with these applications.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., E.I.T.

Cc: Richard Porter

Enc: Three Transfer Applications, Aerial Maps, Warranty Deeds, Trust Affidavit,
Check # 10990 for \$600.00