

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 72373

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

AMENDED

Name of applicant Dry Creek Partners Phone (208) 934-4448Post Office address c/o Bill Novinger, 1598 East 1330 South, Gooding, ID 83330

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☒ Other Split 37-865A
2. Describe the reason for the proposed changes To restore 37-865 to its original nature of use as was recorded before transfer 66912, to update its place of use to agree with the present irrigation system, and to provide mitigation for a 4 ac pond that will be developed for wildlife & aesthetic purposes.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
Portion: 37-865A	04/01/1905	0.95/189.6	Irrigation	03/15 to 11/15
Portion: 37-865A	04/01/1905	0.08/16.0*	Diversion to Storage	03/15 to 11/15
Portion: 37-865A	04/01/1905	0.08/16.0*	Wildlife Storage	03/15 to 11/15
Portion: 37-865A	04/01/1905	0.08/16.0*	Aesthetic Storage	03/15 to 11/15
37-865B	04/01/1905	4.57/914.4	Irrigation	03/15 to 11/15

2. Total amount of water being transferred 5.6 cubic feet per second and/or 1120 acre-feet per annum.
3. Source of water Big Wood River tributary to Malad River
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
2		SW	NW	07	05S	16E	Gooding	

5. Lands irrigated or place of use:

- a. Place of use:
- 37-865A (portion) Irrigation

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
05S	14E	03			37.8	6.0				0.7						2.9			47.4

Total acres 47.4

- b. Place of use:
- 37-865A (portion) Wildlife and Aesthetic Storage = X

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
05S	14E	03									X					X			---

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SOUTHERN REGION

PART 1

c. Place of use: 37-865B Irrigation

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
05S	14E	02										27.7	2.7						30.4
05S	14E	03				30.8				25.5					37.4	32.2	38.8	33.5	198.2

Total acres 228.6

6. General Information:

a. Description of diversion system existing irrigation distribution system (pivots, booster pumps, etc...) and diversion to storage at a pond that will be developed at the confluence of Black Canyon Creek and Dry Creek.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
☐ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:

The land irrigated before the split of 37-865 will remain in production, excluding the 4 ac required for the mitigation of the pond evaporation.

d. Remarks:

* Mitigation from the evaporation of the 4 ac pond included of 16.0 afa, 0.08 cfs, and a reduction of 4 acres from the original total irrigated area of 37-865 (same values used for evaporation mitigation in transfer 66912).

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19_____.

Page 3 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: See Attached

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 37-865A on file with the Idaho Department of Water Resources.
- d. Transfer No. 66192 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice☐ Warranty Deed☒ Other N/A

3. Source of water Big Wood River tributary to Malad River

4. Date of priority 04/01/1905

5. Water is used for the following purpose:

Amount ---/138 for Ground Water Recharge From Storage purposes from 03/15 to 11/15
(cfs/ac-ft)

Amount 1.03/154.2 for Diversion to Storage purposes from 03/15 to 11/15
(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.03 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
2		SW	NW	07	05S	16E	GOODING	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
05S	14E	03									X					X			

X - Ground water recharge from storage and diversion to storage Total acres _____

9. Describe any other water rights used for the same purpose as described above Big Wood Canal Company
shares and American Falls supplemental water

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

1. Amount 0.95/132.6 for Diversion to Storage purposes from 03/15 to 11/15
 (cfs/ac-ft)
 Amount ---/138 for Ground Water Recharge from Storage purposes from 03/15 to 11/15
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
2		SW	NW	07	05S	16E	GOODING	

3. Lands irrigated or place of use:

- a. Place of use: 37-865A (portion) Ground Water Recharge from Storage = X

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
05S	14E	03									X					X			---

Total acres ---

- b. Place of use: 37-865A (portion) Diversion to Storage = X

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
05S	14E	03									X					X			---

Total acres ---

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount 0.08/16.0 for Diversion to Storage purposes from 03/15 to 11/15
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
2		SW	NW	07	05S	16E	GOODING	

3. Lands irrigated or place of use: 37-865A (portion) Diversion to Storage = X

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
05S	14E	03									X					X			---

Total acres ---

Page 5 of 6

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DEPARTMENT OF WATER RESOURCES

Transfer No. _____

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PART 2

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A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: See Attached

JAN 25 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 37-865B on file with the Idaho Department of Water Resources.
- d. Transfer No. 66192 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice☐ Warranty Deed☒ Other N/A

3. Source of water Big Wood River tributary to Malad River

4. Date of priority 04/01/1905

5. Water is used for the following purpose:

Amount 4.57/914.4 for Irrigation purposes from 03/15 to 11/15
(cfs/ac-ft)

6. Total amount of water under right 4.57 cubic feet per second and/or 914.4 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
2		SW	NW	07	05S	16E	GOODING	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
05S	14E	03			40	40				32.6					7	35.1	39.4		194.1
05S	14E	10		34.5															34.5

Total acres 228.6

9. Describe any other water rights used for the same purpose as described above Big Wood Canal Company
shares and American Falls supplemental water

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

STATE OF IDAHO
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APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

See Attached: Exhibit A: Dry Creek Partners: Map of 865A & 865B

B. CHANGES IN NATURE OF USE

1. <u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
<u>Irrigation</u>	<u>0.95/189.6</u>	<u>as needed</u>	<u>03/15</u> to <u>11/15</u>
<u>Wildlife Storage</u>	<u>0.08/16.0</u>		<u>03/15</u> to <u>11/15</u>
<u>Aesthetic Storage</u>	<u>0.08/16.0</u>		<u>03/15</u> to <u>11/15</u>

2. Quantity and quality of return flows and location of discharge:

Water overflows from pumping pond to Black Canyon Creek. No adverse water quality impacts by the project.

3. Describe the effects on other water uses resulting from the proposed change:

None

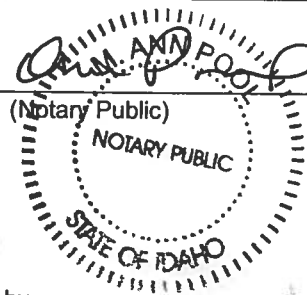
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Dry Creek Partners
by: [Signature]
(Signature of Applicant)

Subscribed and sworn to before me this January 23 day of 23, 2012

My commission expires April 5, 2016
FOR DEPARTMENT USE ONLY



Transfer contains _____ pages and _____ attachments

Received by _____ Date 1-25-2012 Amended Protest filed by _____

Prelim. check by _____ Fee \$450-

Received by 5027888 Date 8-4-05

Published in Times News Copies of protest forwarded by _____

Pub. dates 2/2 + 2/9/2012 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ Approval ☐ Denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

Township 5S, Range 14E Sections 2, 3

A vertical scale bar labeled "Feet" with markings at 0, 400, 800, and 1,600.

Brockway Engineering, PLLC
DTN - 07/26/2005
(ZL- 1/9/12)

