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JUL 07 2010

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

T#1 - North Area
76738**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: _____

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AUG 09 2010

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76738

JUL 07 2010

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) SV Ranch LLC Phone (425) 460-2542

Mailing Address c/o Gregory Vik, P.O. Box 1607, Bellevue, WA 98009 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 Charles G. Brockway, P.E. Phone (208) 736-8543

Mailing Address 2016 Washington St. N. #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]
Signature of Applicant or Authorized Representative

Greg Vik,
President
Print Name and Title if applicable

6/8/10
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

RECEIVED
Date

AUG 09 2010

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 Split right

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**. This transfer will modify the existing permissible place of use to conform to actual irrigation practices, and will move 34.1 acres into the PPU from other lands.
Also, pump station within NESE Sec. 35 has been moved east within the same 40.

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer 76738

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 ContinuedB. 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 ☒ ☐	2-2100A	2.80	Irrigation	3/15 to 11/15	Snake R. / Columbia R.
☒ ☐	2-7086	4.64	Irrigation	3/15 to 11/15	Snake R. / Columbia R.
☐ ☒	2-10332	0.68	Irrigation	3/1 to 10/31	Snake R. / Columbia R.
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 8.12 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 8.12 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	35	3S	1E	Owyhee	Snake R.	
			NE	SE	35	3S	1E	Owyhee	Snake R.	
			NW	SE	36	3S	1E	Owyhee	Snake R.	

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	
3S	1E	35								1.1	39	40	40	40	27	29	40	39	295.1
3S	1E	36									36	33	40	24	15	35	24	10	217

Permissible Place of Use (individual limits apply) Total Acres (for irrigation use) 512.1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer 76738

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: Pump stations from the Snake River with measuring devices.

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

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

- c. 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: Irrigation will be rearranged within existing PPU. In addition, 34.1 acres will no longer be irrigated in the south system and will be moved to the north system.

- 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: _____

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

Current Water Right No.: 2-2100A

Current Owner: SV RANCH LLC
 Priority Date: 7/15/1952
 Origin: Water Right
 Status: Active
 Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Total Diversion

Diversion Rate

2.8 CFS

2.8 CFS

Annual Volume

630 AF

630 AF

Location of Point(s) of Diversion

SNAKE RIVER

OWYHEE County

L8(NW1/4SE1/4)

Sec. 35, Twp 03S, Rge 01E B.M.

SNAKE RIVER

OWYHEE County

L7(NW1/4SE1/4)

Sec. 35, Twp 03S, Rge 01E B.M.

SNAKE RIVER

OWYHEE County

L7(NW1/4SE1/4)

Sec. 36, Twp 03S, Rge 01E B.M.

Place of UseIRRIGATION Within OWYHEE County

T03S R01E S35	Lot 9	NESW	38.30	T03S R01E S35		NWSW	36.00
T03S R01E S35		SWSW	33.00	T03S R01E S35		SESW	40.00
T03S R01E S35	Lot 7	NESE	27.60	T03S R01E S35	Lot 8	NWSE	29.10
T03S R01E S35		SWSE	40.00	T03S R01E S35		SESE	40.00
T03S R01E S36	Lot 6	NESW	30.00	T03S R01E S36	Lot 5	NWSW	32.00
T03S R01E S36		SWSW	32.00	T03S R01E S36		SESW	25.00
T03S R01E S36	Lot 8	NESE	15.00	T03S R01E S36	Lot 7	NWSE	25.00
T03S R01E S36		SWSE	24.00	T03S R01E S36		SESE	10.00

Total Acres: 477

Page 5 of 11**Conditions of Approval:**

1. X36 Right 02-07086 is also diverted through the point(s) of diversion described above.
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. 01Q After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
4. X35 Rights 2-2100A and 2/7086 when combined shall not exceed the irrigation of 372 acres in a single season.
5. X27 This right is limited to the irrigation of 140 acres within the place of use described above in a single irrigation season.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Prior to diversion of water under Right Nos. 02-02100A and 02-07086, flow measurement ports or other devices approved by the Department shall be installed on all points of diversion.
9. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
10. S47 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Decreed Date: 5/11/2009

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

Current Water Right No.: 2-7086

Current Owner: SV RANCH LLC
 Priority Date: 7/28/1971
 Origin: Water Right
 Status: Active
 Basis: Decreed

Source	Tributary
SNAKE RIVER	COLUMBIA RIVER
Beneficial Use	From To
IRRIGATION	03/15 to 11/15
	Total Diversion
Location of Point(s) of Diversion	Diversion Rate
SNAKE RIVER	4.64 CFS
OWYHEE County	4.64 CFS
SNAKE RIVER	
OWYHEE County	
SNAKE RIVER	
OWYHEE County	

Place of UseIRRIGATION Within OWYHEE County

T03S R01E S35	Lot 9	NESW	38.30	T03S R01E S35		NWSW	36.00
T03S R01E S35		SWSW	33.00	T03S R01E S35		SESW	40.00
T03S R01E S35	Lot 7	NESE	27.60	T03S R01E S35	Lot 8	NWSE	29.10
T03S R01E S35		SWSE	40.00	T03S R01E S35		SESE	40.00
T03S R01E S36	Lot 6	NESW	30.00	T03S R01E S36	Lot 5	NWSW	32.00
T03S R01E S36		SWSW	32.00	T03S R01E S36		SESW	25.00
T03S R01E S36	Lot 8	NESE	15.00	T03S R01E S36	Lot 7	NWSE	25.00
T03S R01E S36		SWSE	24.00	T03S R01E S36		SESE	10.00

Total Acres: 477

Page 7 of 11**Conditions of Approval:**

1. X36 Right 02-2100A is also diverted through the point(s) of diversion described above.
2. X27 This right is limited to the irrigation of 232 acres within the place of use described above in a single irrigation season.
3. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. 01Q After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. Prior to diversion of water under Right Nos. 02-02100A and 02-07086, flow measurement ports or other devices approved by the Department shall be installed on all points of diversion.
6. 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.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. S47 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
9. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. X35 Rights 2-2100A and 2/7086 when combined shall not exceed the irrigation of 372 acres in a single season.

Decreed Date: 5/11/2009

Total Acres: 1059.5

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Conditions of Approval:

1. E52 The rights listed below are limited to a total combined diversion rate of 32 cfs. Combined Right Nos.: 2-7046E, 2-10332, 2-10333, 2-10235, 2-10244
2. E51 Right Nos. 2-10332, 2-10333 57-11708, 57-11709, 57-11710 and 57-11666 are limited to a total combined diversion rate of 42.52 cfs.
3. E62 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa for irrigation of the lands above.
4. E56 The rights listed below are limited to the irrigation of a combined total of 2126 acres in a single irrigation season. Combined Right Nos.: 2-10332, 2-10333, 57-11708, 57-11709, 57-11710, 57-11666
5. This right is a split from former right 2-10234 .
6. 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.

Decreed Date: 6/9/2009

Unlock the form, double-click above, then **lock the form**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

Transfer
76738

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: 2-10332

(cfs/ac-ft)

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

[illegible]

Total Acres (for irrigation use)	34.1
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer 76738

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 11 pages and _____ attachments.

Received by SB Date 7-7-2010 Prelim. Check by _____ Date _____

Fee Paid \$570- Date 7-7-2010 Received by DB Receipt # W038538

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

received 8-9-10 JmH (Amended)

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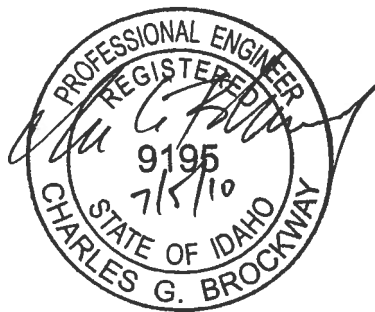
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WATER RESOURCES
WESTERN REGION

Narrative in Support of Transfer and Permit Applications SV Ranch LLC

Brockway Engineering, PLLC
Charles G. Brockway, P.E.
July 5, 2010

- A. Overview and Purpose of Transfers
- B. Overlap Analysis of Existing Rights and Total Authorized Irrigation
 - 1. North Area
 - 2. South Area
 - a. Snake River rights
 - b. Castle Creek rights
 - c. All rights in combination
 - d. Permissible place of use creation
- C. Water Balance and Conversion to Wetland Habitat
- D. Potential Problems with Decrees



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Attachment 1

A. Overview and Purpose of Applications

Property owned by the applicant is segregated into two hydraulically-separate water systems: the south area and the north area. The south area is covered by eight (8) water rights from the Snake River and four (4) water rights from Castle Creek. The north area is covered only with two Snake River rights. The rights have been decreed in the SRBA within the past 5 years and therefore forfeiture concerns are not an issue at this time.

The configuration of irrigation systems on both parcels has been or will be modified to cover the same general place of use with a more efficient system consisting of center pivots and hand lines or wheel lines to cover most corner areas. The attached Figures 1 and 2 illustrate the irrigation systems and irrigated areas as will exist going forward, overlain on a 2009 aerial photo. Major changes are being made to the south system, and most of the new center pivots are not visible on the 2009 photo. The outlines of the pivots and the corner areas to be irrigated were taken from the irrigation plan provided by the applicant. Note that pivots 7 and 10 are wiper pivots to avoid houses and associated buildings. Also note that the feedlot visible in SENE Section 14 has been removed. On the north area, the 2009 photo shows all of the irrigation that will occur going forward, with the exception of the extreme eastern field which is being converted to a center pivot.

In addition to the irrigation reconfiguration, three pivot corner areas will be utilized for habitat enhancement projects involving constructed wetlands and shallow ponds. Irrigation will continue to occur in these corners with hand lines around the wetland areas. Figure 5 illustrates the location and source of each of the proposed habitat projects.

Actual irrigation based on this analysis is as follows:

South system (pivots)	1752 acres
South system (corners)	236 acres
Total south	1988 acres
North system	406.1 acres

The total allowable irrigation from the Snake River appears to be 2055.5 acres on the south area (see overlap analysis below) and 372 acres on the north system. Therefore, 34.1 acres will be moved from the south system to the north.

The purposes of the transfer applications are as follows:

1. Transfer #1 (north area)
 - a. Move 34.1 acres of water right 2-10332 from the south system into the existing permissible place of use for the north system
 - b. Modify the north PPU boundary to more accurately cover all irrigable land.

Transfer 76738

1a

2. Transfer #2 (south area – Snake River rights)
 - a. Create a permissible place of use for the south system, including all Snake River water rights. The PPU will encompass all irrigable land.
 - b. Delete the old ditch diversion and add a point of diversion for the south system, representing a new pump station which is being constructed.
 - c. Convert 3.0 acres of irrigation to 3.0 acres of wetland habitat under 2-2357A.
3. Transfer #3 (south area – Castle Creek rights)
 - a. Create a permissible place of use for the south system, including all Castle Creek water rights. The PPU will encompass all irrigable land.
 - b. Add a point of diversion for all rights on the Snake River at the new pumping station.
 - c. Convert 6.0 acres of irrigation to 6.0 acres of wetland habitat under 57-235, keeping the point of diversion at the existing Castle Creek headgate for the wildlife ponds.
4. Permit #1 (habitat area 4A). This permit will authorize storage volume and flow rate for habitat enhancement ponds/wetlands fed from the Snake River system. Mitigation for evaporation is provided by Transfer #2. This pond will operate as a completely closed system with no return flow; however, non-consumptive flow is being requested to provide for seepage.
5. Permit #2 (habitat areas 4C and Castle Corner). This permit will authorize storage volume and flow rate for habitat enhancement ponds/wetlands fed from Castle Creek. Mitigation for evaporation is provided by Transfer #3. Additional non-consumptive flow is requested to provide a 3-day turnover time, with return flow to Castle Creek, and to provide for seepage.

B. Overlap Analysis of Existing Rights and Total Authorized Irrigation

1. North Area

The water right structure for the north area is straightforward: two rights within a 477-acre permissible place of use, each right with an individual acre limit, as follows:

2-2100A	2.80 cfs	140 ac within 477-ac PPU	7/15/1952
2-7086	4.64 cfs	232 ac within 477-ac PPU	7/28/1971
Total	7.44 cfs	372 ac	

It is proposed to slightly restructure the permissible place of use to conform to actual irrigation practices, including the replacement of the eastern wheel line field with a wiper pivot (Figure 2).

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2. South Area

The water right structure for the south area is more complicated (Figure 3 and 4). There are eight (8) rights from the Snake River and five (5) rights from Castle Creek, each with discrete places of use (no permissible place of use). Several combined-use conditions limit acreage, volume, and/or diversion rate. However, no combined-use condition specifies a total acreage limit among all rights.

a. Snake River rights

The Snake River rights are structured as follows (Figure 3):

2-2357A	2.00 cfs	100 ac	9/10/1964
2-2357B	1.80 cfs	90 ac	9/10/1964
2-7046E	2.82 cfs	162 ac	7/30/1969
2-2173	6.00 cfs	279 ac	3/1/1962
2-10235	0.80 cfs	40 ac	7/30/1969
2-10244	5.19 cfs	298 ac	7/30/1969
2-10332	21.19 cfs	1059.5 ac	7/30/1969
2-10396	0.95 cfs	45 ac	7/30/1969

Based on the decreed shape files for these rights, it appears that the only potential overlap between any of them occurs in the NENE and SENE of Section 14. The potential overlap is analyzed as follows:

In the NENE, water right 2-10332 allows 20 acres and the shape file covers the upper half of this 40. Water right 2-10235 also allows 20 acres but the shape file covers the entire 40. There is no combined-used acreage limit that pertains to these two rights. In the 1987 infrared photo, the entire 40 is an irrigated field. Therefore, it appears that the intent of the decrees was to allow 40 acres of irrigation, so that there is no actual overlap in the NENE Section 14.

In the SENE, water right 2-10244 allows 18 acres and the shape file is an irregular boundary which excludes a feedlot located in this 40. Right 2-10235 allows 20 acres in this 40 but the shape file covers the entire 40. Because of the presence of the feedlot, it appears reasonable to conclude that the two rights are not additive but are fully overlapping within this 40.

Based on this analysis, it appears that the total irrigated acreage allowed by the Snake River rights in the south area is the sum of the individual acreage limits, less the 18-acre overlap in SENE Section 14. This equates to 2055.5 acres. Although there are several combined-use acreage conditions providing for certain limits between a few of the rights, none of these appear to affect the total calculation of 2055.5 acres.

b. Castle Creek rights

The rights from Castle Creek are structured as follows (Figure 4):

Transfer 76738

57-235	1.1 cfs	63 ac	Castle Cr.	12/10/1907
57-7034A	4.46 cfs	223 ac	Castle Cr.	8/16/1969
57-11666	0.38 cfs	19 ac	Castle Cr.	12/29/1970
57-11667	5.84 cfs	292 ac	Castle Cr.	12/19/1970
57-11709	24.47 cfs	1267 ac	Castle Cr.	12/29/1970

Based on the decreed shape files, overlap between 57-235 and 57-11709 exists in the NW1/4 Section 1, and these two rights are limited by condition to 1267 acres in combination. The other three rights are not overlapping. Therefore, the total acreage allowed by the Castle Creek rights appears to be 1267 + 223 + 19 + 292, or 1801 acres.

c. All rights in combination

Several combined-use conditions come into play when determining the total authorized irrigation between all Snake River rights and all Castle Creek rights. The acreage on these combined-use conditions must be adjusted to account for the incorrect inclusion of 449 acres under rights 57-11708 and 57-11710 which are not owned by the applicant (see Section C, below).

57-235 and 57-11709 limited to 1716 acres (less 449 equals 1267 allowed)
 2-10332, 57-11709, and 57-11666 limited to 2126 acres (less 449 equals 1677 allowed)
 2-10235, 57-11709, and 57-11666 limited to 1777 acres (less 449 equals 1328 allowed)
 2-10244 and 57-11667 limited to 322 acres (should be 298 acres – see Section C, below)

Accounting for these conditions and the overlap of the various rights, it appears that the total authorized irrigation would be calculated as follows (refer to Figures 3 and 4):

1677	Area covered by 57-11709, 2-10332, 57-235, and 57-11666
252	Area covered by 2-7046E, 2-2357B, 57-7034A
298	Area covered by 2-10244 and 57-11667
10	2-10396 outside of overlap in NWNE Sec. 2
20	2-10235 and 57-11666 outside of main overlap area
2257	TOTAL

However, the total apparent authorization of 2257 acres is greater than the physical area available. See Section C for an analysis of possible errors in the combined-use conditions.

d. Permissible place of use creation

It is proposed to create a permissible place of use for the Snake River rights and Castle Creek rights in the south area. The proposed PPU is shown on Figure 5. The PPU would encompass all land considered to be irrigable, and totals 2193 acres. Within the PPU, the Snake River rights in combination should be limited to 2021.4 acres, which is 2055.5 acres less 34.1 acres transferred to the north area. The Castle Creek rights should be limited to 1801 acres within the PPU, and all rights in combination should be limited to the combined

ld

total currently allowed, which is unclear at this point (see Section C). It is recommended that IDWR verify the above calculations of combined acreage limits.

C. Water Requirements for Conversion to Wetland Habitat

1. Description of Wetlands

In addition to the irrigation reconfiguration, the applicant intends to create three areas of wetlands for the purposes of wildlife habitat enhancement. These areas are locally known as areas 4A, 4C, and Castle Corner and are shown on the attached map. The wetlands will consist of ponded areas with a maximum depth of 2 feet near the center, tapering to grade at the edges. For calculation purposes, an average depth of 1.0 foot was assumed. The gross land surface area and likely area of constructed wetland are as follows:

	Gross Area	Wetland Area	Avg. Depth	Water Source
Area 4A	19 acres	3.0 acres	1.0 ft	Snake River
Area 4C	7 acres	3.0 acres	1.0 ft	Castle Creek
Castle Corner	3.5 acres	3.0 acres	1.0 ft	Castle Creek

The water source for Area 4A will be the Snake River – water will be diverted to this wetland from one of the irrigation mainlines. This wetland will be designed as a closed system, and the water supply will be used for water level maintenance only with no return flow back to any water source. The water source for Area 4C and Castle Corner will be Castle Creek via the existing diversion in the creek. The water will flow through these two wetlands and will return to Castle Creek about 0.5 miles downstream of the diversion.

As per the current IDWR policy, new permit applications are being submitted to cover the storage volume, with mitigation for evaporative losses provided by a transfer of a portion of the irrigation right(s). In addition, the new permits include non-consumptive flows to provide adequate turnover time and account for seepage.

2. Evaporative Losses and Mitigation

Construction of the wetlands will require that irrigated land be removed from irrigation to compensate for the evaporation and evapotranspiration in the wetlands. Consumptive use data from Allen & Robison (2009), Grand View station, was used to determine the difference in consumptive use and the required rate of acreage removal. The precipitation deficit values for “Alfalfa – Less Frequent Cuttings” and “Wetlands – Large Stands” were compared, eliminating the wintertime negative values of Pdef for the wetlands data. This approach was recommended by Jeff Peppersack, and accounts for the fact that the wetlands will remain full year-round and thus full credit cannot be given for precipitation since the pond level would exceed capacity. The following Pdef values were used:

Transfer 76738

1e

Wetland Pdef (w/o monthly negatives) = 999 mm or 3.28 afa
Alfalfa Pdef = 1029 mm or 3.38 afa

For every one acre of wetland, $3.28 / 3.38 = 0.97$ acres of crop would need to be dried up. This is very close to the typical "rule of thumb" 1-for-1 conversion. For simplicity and to be conservative, it is proposed to use a simple 1:1 conversion rate for this transfer.

To mitigate for Area 4A evaporation, 3.0 acres will be removed under 2-2357A and converted to Wildlife usage. To mitigate for Area 4C and Castle Corner evaporation, 6.0 acres will be removed under 57-235, which has a 1907 priority date and is generally available for diversion during most of the season, whereas the 1969 and 1970 rights in Castle Creek are not.

The portion of 2-2357A converted to wildlife will be 3 acres / 100 acres x 2.00 cfs = 0.06 cfs. The portion of 57-235 converted to wildlife will be 6 acres / 63 acres x 1.10 cfs = 0.10 cfs. The wildlife portion of 57-235 will be diverted at the existing headgate in Castle Creek. The remaining 1.0 cfs for irrigation purposes will be moved to the pump station for the south system on the Snake River. All of the other Castle Creek rights will also be moved to this pump station. This will leave significant additional flow in the lower reach of Castle Creek for natural riparian habitat development.

3. Seepage Rate

The wetland ponds will be constructed in native soil with minimal berming around the perimeter. No soil amendments or membrane liner is contemplated. Therefore, some amount of seepage is anticipated. Published data for the prevailing soil types in the vicinity of each proposed wetland was obtained from the NRCS soil survey and are tabulated below:

Area	Soil Series	Saturated K	Estimated Seepage Rate
4C & Castle Corner	11 – Bram Silt Loam	0.11 to 0.40 ft/day	0.20 cfs/acre
4A	100 – Mazuma Fine Sandy Loam 163 – Typic Torriorthents	0.40 to 1.2 ft/day 0.11 to 0.40 ft/day	0.30 cfs/acre

Based on this data, a conservative value for K would be 0.4 ft/day for Area 4C & Castle Corner and 0.6 ft/day for Area 4A. Utilizing Darcy's law with an average pond depth of 1 foot, and an assumed soil depth of 1 foot over which the hydraulic gradient exists, the estimated seepage rates in the above table were calculated. Because of the development of organic matting due to the wetland vegetation and deposition of fine-grained material in the diverted water, saturated hydraulic conductivity likely will tend toward the lower end of the range over time. Based on experience with ponds constructed in silt loam or sandy loam soils, a range of observed seepage rates from 0.2 to 0.8 ft/day, or 0.10 to 0.40 cfs/acre is generally expected. This is in agreement with the above calculation.

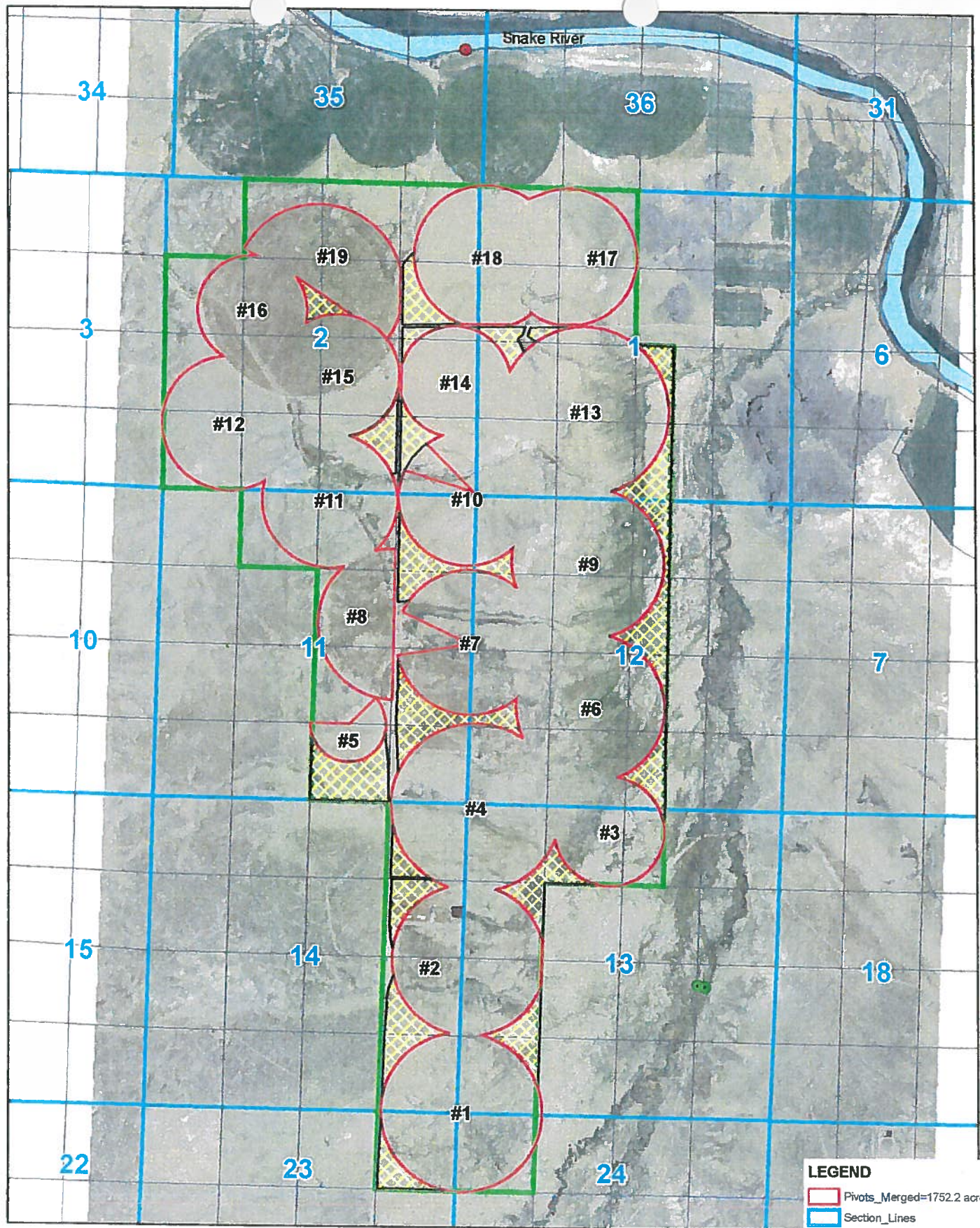
For the 6-acre wetland in Area 4C & Castle Corner, a seepage flow rate of 1.2 cfs is required. For the 3-acre wetland in Area 4A, a seepage flow rate of 0.9 cfs is required. .

Transfer 76738

C. Potential Problems with Decrees

In the course of this investigation, several inconsistencies or possible errors were identified regarding the shape files and combined-use conditions on the water rights for the south area. It is recommended that IDWR investigate these issues and make corrections as warranted in the course of this transfer.

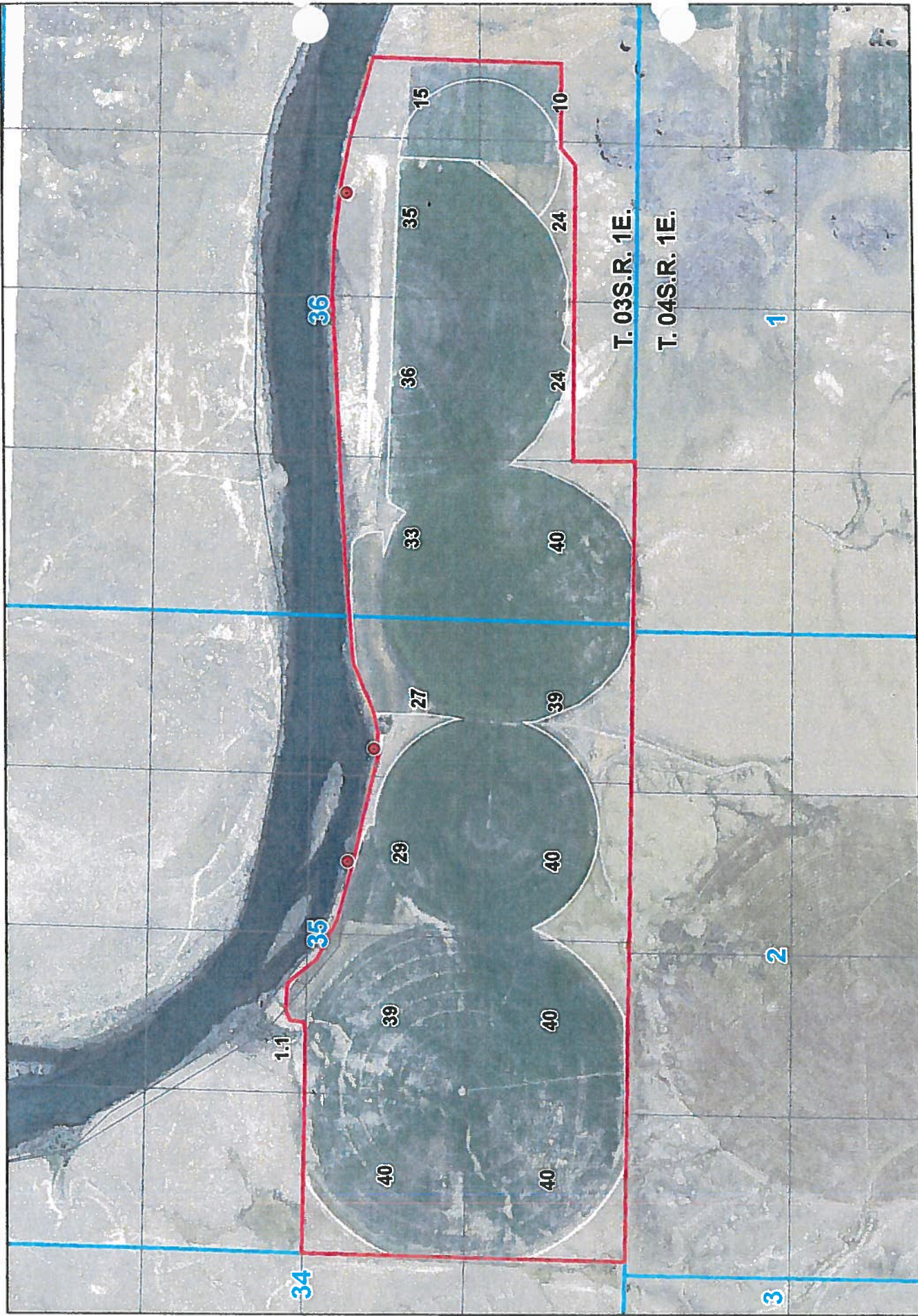
1. The shape file for 2-10332 does not agree with the legal description of the place of use on the water right. The right allows 1059.5 acres but the shape file covers only about 799 acres. Most of the discrepancy is in SE1/4 Section 1, E1/2 Section 12, and SWSE Section 11.
2. Several combined-use conditions refer to water rights which are owned by other parties and appurtenant to other lands. These rights are 2-10395, 2-10422, 2-10423, 57-11708, and 57-11710.
3. Several conditions refer to water rights which do not exist (perhaps the parent rights of splits, or superseded in some other way). These rights are 2-10333, 2-10234, 2-7046A, 57-11665, and 57-7034B.
4. The combined use condition for 2-10332, 57-11709, and 57-11666 allows 1677 acres (excluding the 449 acres on the two rights owned by other parties). It is unclear how this number was derived. 57-11709 allows 1267 acres. 2-10332 is almost wholly overlapping with 57-11709, but a 40-by-40 comparison of the legal descriptions show that it allows 259.5 acres outside of the 57-11709 place of use. 57-11666 allows 19 acres not overlapping with either of the other two rights. Therefore, it would seem that the total combined limit should be $1267 + 259.5 + 19 = 1545.5$ acres.
5. Three combined-use conditions limit certain rights in combination to 32.0 cfs; however, the individual diversion rates on the referenced rights do not add to more than 32.0 cfs.
6. Rights 2-10244 and 57-11667 in combination are limited to 322 acres, but these rights are fully overlapping and the total place of use does not exceed 298 acres.
7. Five conditions place limits on the annual volume when several specific rights are used in combination. These volumes appear to be low relative to the associated acreages and the original licenses. For example, one of the conditions limits the combined volume among 57-235, 57-11709, and 2-2357A to 500 afa; but these rights in combination would allow the irrigation of at least 1267 acres. The other volumetric conditions may have the same problem.



BROCKWAY ENGINEERING, PLLC.
ALR - APRIL 28, 2010

Transfer 76738

Attachment 2



1 inch equals 1,100 feet

FIGURE 2
SV RANCH LLC - OWYHEE RANCH
CURRENT IRRIGATION & PROPOSED PPU NORTH AREA
NAIP 2009 AERIAL

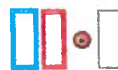
Irrigation 2009 = 406.12ac.

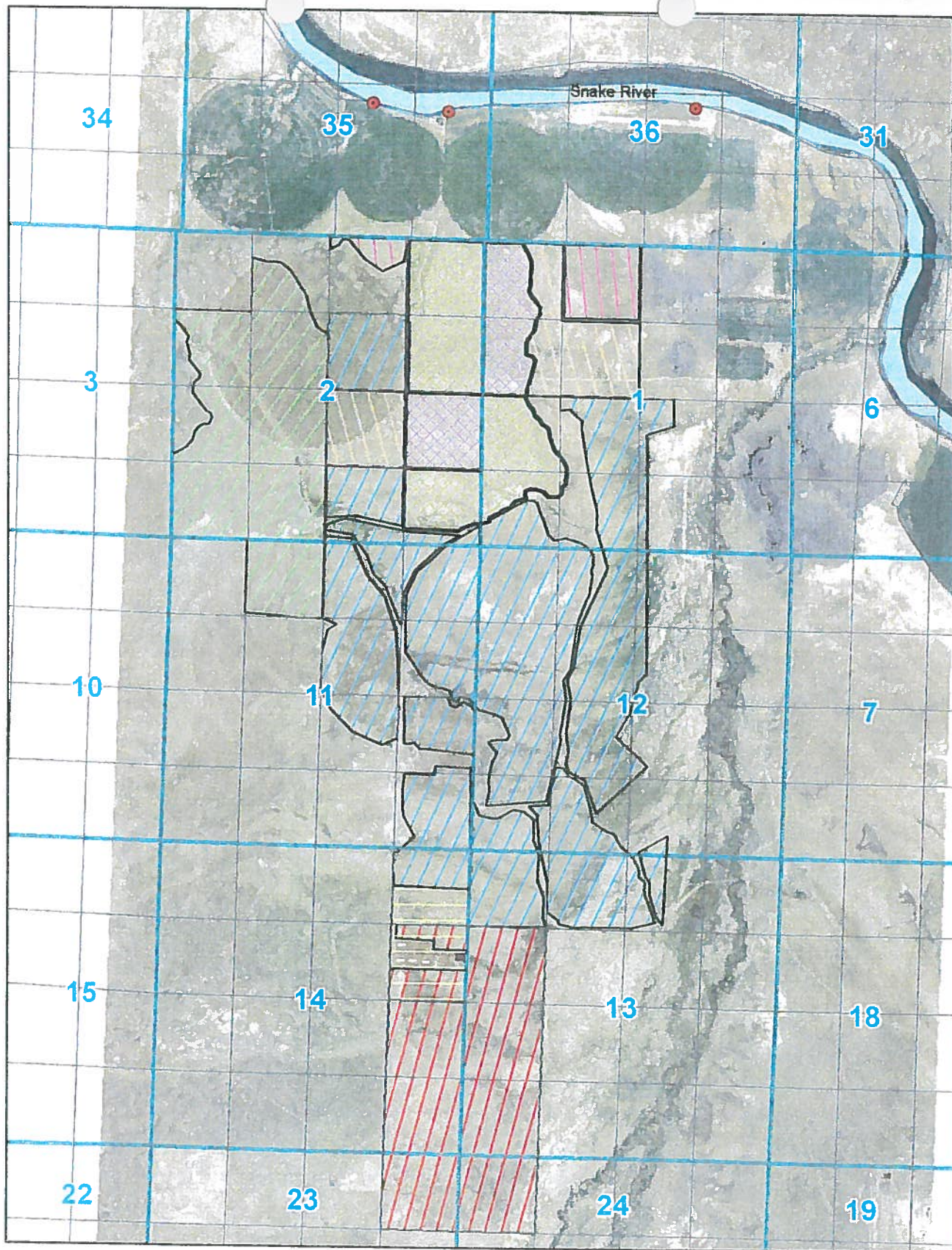
Section_Lines

PPU North

POD North

TD3_04S_01_02E





1 inch equals 2,450 feet

FIGURE 3
SV RANCH LLC - OUYHEE RANCH
CURRENT WATER RIGHTS SNAKE RIVER
NAIP 2009 AERIAL

- | | |
|--|-------------------|
| Decreed_WR_POU 2-2357B, 2-7046E_REC POU | 2, 7046, E |
| 2, 2173, | 2, 2357, B |
| 2, 10235, | Section_Lines |
| 2, 10244, | T03_04S_01_02E |
| 2, 10332, | Source |
| 2, 10396, | SNAKE RIVER |
| 2, 2357, A | |

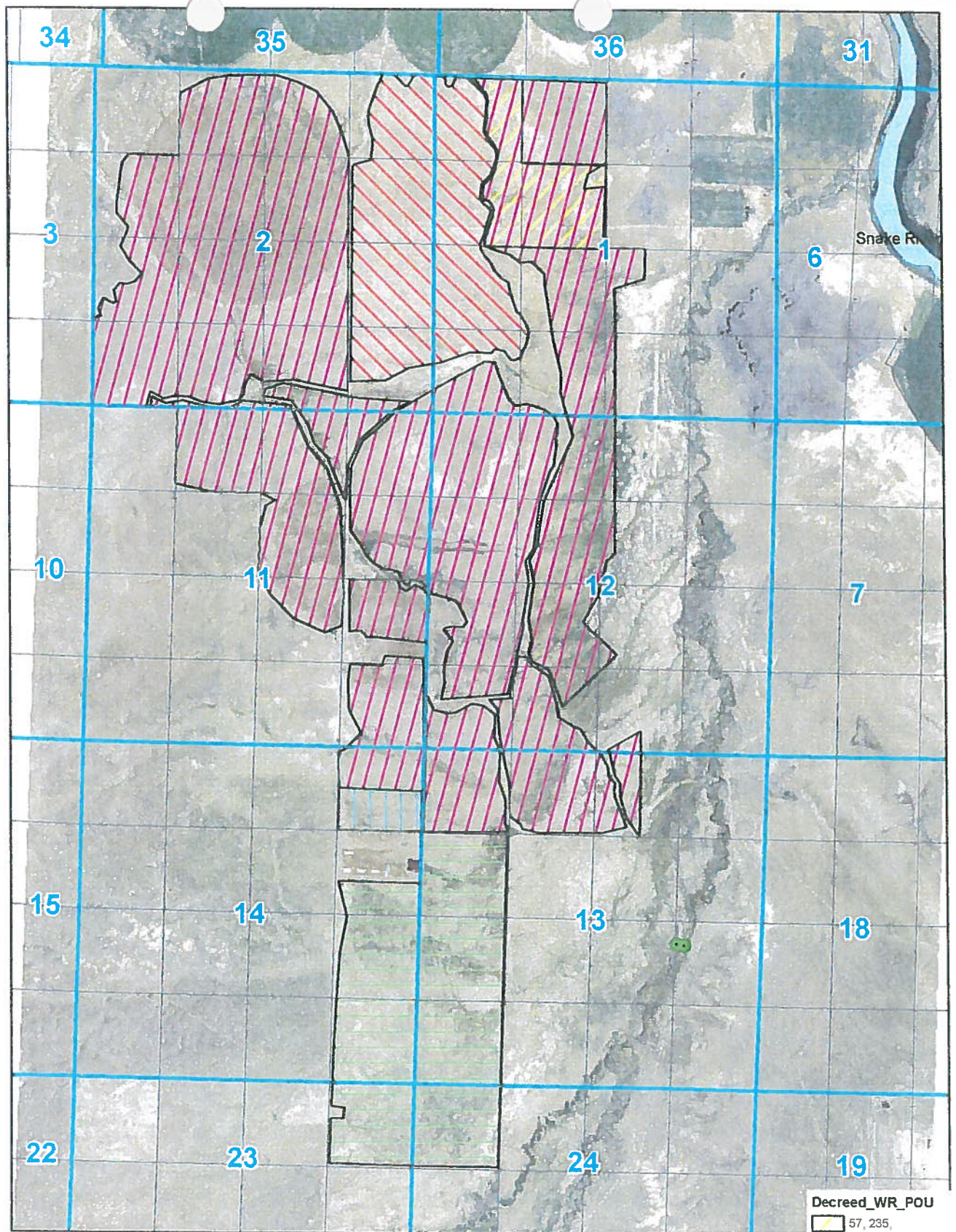
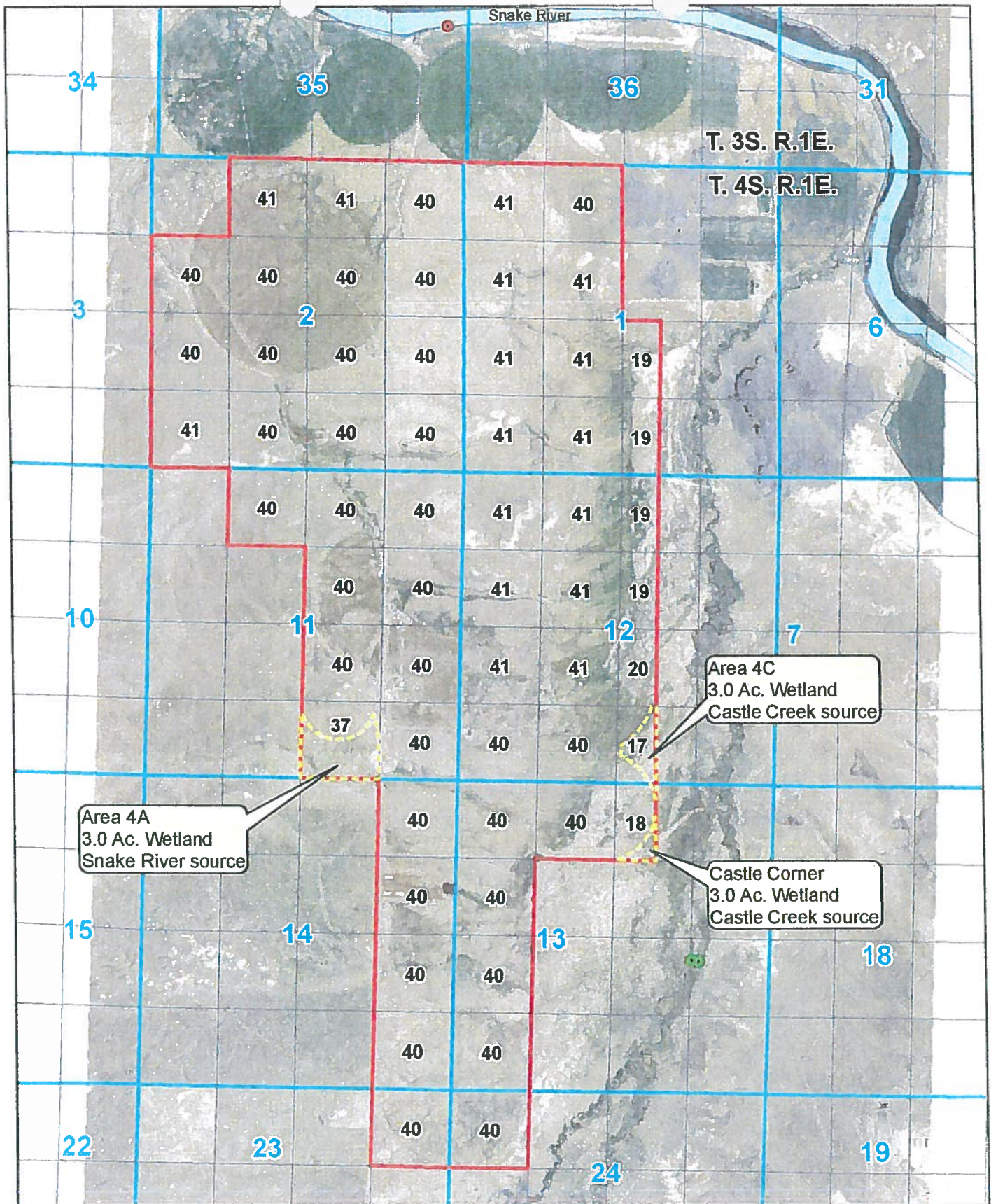


FIGURE 4
SV RANCH LLC - OWYHEE RANCH
CURRENT WATER RIGHTS CASTLE CREEK
NAIP 2009 AERIAL

BROCKWAY ENGINEERING, PLLC.
 ALR - APRIL 28, 2010

Transfer 76738

2c



1 inch equals 2,300 feet

FIGURE 5
SV RANCH LLC - OWYHEE RANCH
PROPOSED PPU SOUTH
NAIP 2009 AERIAL

- Section_Lines
- PPU South
- T03_04S_01_02E
- POD Snake River
- POD's Castle_Creek
- Habitat Enhancement Projects

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, July 27, 2011 1:01 PM
To: Owyhee Avalanche
Subject: LEGAL NOTICE
Attachments: Owyhee County - Cover Letter.Doc; Owyhee County Ads - COMBINED.docx

Attached please find one (1) legal notice being submitted for publication. Please contact me if you have any questions, or if you are not able to publish the ad on the dates requested.

Thank you in advance,

*Denise Buffington
Administrative Assistant I
Dept of Water Resources
Western Region
(208) 334-2190*

July 27, 2011

LEGAL NOTICE DEPARTMENT

OWYHEE AVALANCHE
PO BOX 97
HOMEDALE, ID 83628

RE: Transfer No. 76738
Water Right No(s). 2-2100A, 2-7086, 2-10470

RE: Transfer No. 76739
Water Right No(s). 2-2173, 2-2357A, 2-2357B, 2-7046E, 2-10235, 2-10244, 2-10396, 2-10469

RE: Application For Permit No(s).: 2-10452

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 August 22, 2011. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure(s)

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

2-10452

SV RANCH LLC

C/O GREGORY VIK

PO BOX 1607

BELLEVUE, WA 98009

Point of Diversion L7(NESE) S35 T03S R01E OWYHEE County Source SNAKE RIVER Tributary COLUMBIA RIVER

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.9 CFS

Use: WILDLIFE STORAGE 01/01 to 12/31 3.0 AF

Total Diversion: 0.9 CFS

Date Filed: 8/9/2010

Place Of Use: WILDLIFE STORAGE

T04S R01E S11 SWSE

PROPOSED CHANGE OF WATER RIGHTS

SV Ranch LLC, c/o Gregory Vik, PO Box 1607, Bellevue, WA, 98009, filed Application No. 76738 to transfer three water rights with 1952 through 1971 priority dates from the Snake River totaling 8.12 cfs. The purpose of the transfer is to modify an existing permissible place of use and correct the location of a pump station which has been moved to the east of the original location within the same 40-acre tract. Water will be used at the current place of use on the south side of the Snake River, northwest of Castle Butte at Henderson Flats.

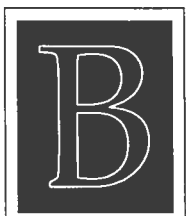
PROPOSED CHANGE OF WATER RIGHTS

SV Ranch LLC, c/o Gregory Vik, PO Box 1607, Bellevue, WA, 98009, filed Application No. 76739 to transfer eight water rights with 1962 through 1969 priority dates from the Snake River totaling 40.07 cfs. The purpose of the transfer is to change the point of diversion to a new pumping station, create a permissible place of use to reflect actual irrigation practices, and convert a portion of one water right from irrigation to a wildlife wetland. Three acres of irrigation will be dried up to mitigate for the wildlife use. Water will be used at the current place of use on the south side of the Snake River, west of Castle Butte and north of Highway 78 in Owyhee County. Published in the Owyhee Avalanche on August 3rd & 10th, 2011, and the Idaho Statesman, Times News, Post Register, and Lewiston Tribune on August 4th & 11th, 2011.

For a full description of the rights &/or proposed transfers, 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. Permits will be subject to all prior water rights. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before August 22, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published 8/3 & 8/10/2011



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JUN 29 2011

WATER RESOURCES
WESTERN REGION

June 28, 2011

Kay Walker
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: SV Ranch LLC Permit and Transfer Applications
Project No. 730-04-2010

Dear Ms. Walker:

Thank you for your efforts so far on this complicated package. By this letter I am providing the additional information and clarifications requested in your letter of February 24, 2011. We have already spoken by telephone and resolved the minor issues regarding acreages, but I will reiterate those here for the sake of completeness.

Application for Transfer #1 North – 76738

✓ Water rights on this land currently allow 372 acres of irrigation. The present actual irrigation is 406.1 acres. Therefore, 34.1 acres must be transferred to this land to make up the shortfall. The PPU should agree with the government lot acreage of 508.4 acres, but the acre limit within the PPU should be 406.1 acres after the transfer.

Application for Transfer #2 South Snake – 76739

✓ I agree with your overlap analysis and the conclusion that the acreage limit from the Snake River rights is 2050.5 acres. After transfer of the 34.1 acres to the north area, there will be 2016.4 acres remaining with a 2178-acre PPU based on the government lot acreage.

Application for Transfer #3 Castle Creek – 76740

The concern here centers around potential administrative difficulties if the Castle Creek rights are allowed to be diverted from the Snake River pumping stations. Based on the telephone discussion held last week between you, Steve Lester, Jim Speck, and myself, additional information was gathered regarding the administration of water rights on Castle Creek and implications for this transfer. Mike Ihli is the current watermaster of District 57 and has extensive first-hand knowledge of water right administration on Castle Creek. A synopsis of the information is as follows:

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

The stream is generally not administered. No user has a lockable headgate or a workable measuring device. There are no measuring devices in the stream channel. The watermaster generally does not actively regulate headgates, and typically functions only to resolve disputes or provide information to new landowners about their water rights.

The SV Ranch headgate is 1.5 miles downstream of the Highway 78 crossing. This headgate is shared by SV Ranch and Mike Ihli. The only other diversion downstream of this point serves Nick Nettleton. All of the major early-priority water rights are located upstream of the highway; therefore, whatever water is left at the two downstream diversions is simply the residual after the upstream users are satisfied and all of it is available for diversion at these two points.

The hydrology of Castle Creek is similar to other tributaries in the Owyhee area. During the runoff period there is generally more than enough water to fill all rights. As the hydrograph recedes, the upstream early rightholders reduce their diversions, sharing amongst themselves generally according to priority. There are times when these users take all of the water in the creek, resulting in a dry bed at Highway 78. However, the creek is a gaining reach from the highway to the river, i.e. it "remakes" itself, and there has never been a time in recent memory when the creek has been dry at the SV Ranch / Ihli headgate or Nettleton's headgate. There has always been enough water to satisfy the 1.1 cfs under the 1907 right now owned by SV Ranch. And, even if SV Ranch / Ihli take all they can at their headgate, there is enough leakage through the rock diversion and additional gain to the creek that all of Nettleton's Castle Creek rights can be satisfied.

Based on this information from the watermaster, it does not appear that leaving the SV Ranch Castle Creek water rights in the creek to be diverted from the Snake River would be difficult to administer nor would this cause injury to any Castle Creek rights or Snake River rights. Provided there is sufficient water at the SV Ranch Castle headgate to fill the 1907 right, and according to the watermaster this appears to be the case due to the gaining nature of the stream, then all of the Castle rights should be divertable from the Snake. Because the stream is gaining, an assessment for seepage losses does not appear to be warranted. Note that I am not considering SV Ranch's very late-priority rights (1969-1970 priorities), which would only be active during extremely high runoff when administration is not likely to be a concern. A further consideration is that IDWR has filed a petition for interim administration for Basin 02. If approved, which seems likely, there will be a

watermaster appointed who can serve to administer the diversion of these rights from the Snake River, should it become necessary.

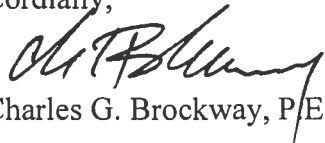
Relative to injury, Nettleton's Castle Creek water rights have priority dates from 1874 to 1940 and the sum of his diversion rates with priorities earlier than 12/10/1907 is 1.58 cfs. SV Ranch's proposal to divert the Castle Creek rights from the Snake River pump stations would not result in less water available for Nettleton. Relative to the upstream early-priority rightholders, there is no possibility of injury because their water supply would in no way be reduced; these users would continue to take everything they need, leaving the residual downstream of Highway 78.

Application for Permit – Castle Creek 57-11794

A concern was raised relative to the suitability of water right 57-235 for mitigation of the permit for the wetlands facilities. Based on the information and analysis provided above, it appears that this right is sufficiently reliable to provide the necessary mitigation. Ultimately, it is the applicant's risk in offering mitigation that the water right may not be available. If this is ever the case, water would not be divertable under permit 57-11794.

I would request that the Department continue processing these applications and advertise them at the earliest possible date. If there are any further questions or concerns, please do not hesitate to contact me.

Cordially,



Charles G. Brockway, P/E.

cc: Jim Speck
Gregory Vik
Rod Gonsales



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

February 24, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

BROCKWAY ENGINEERING
ATTN: CHARLES G BROCKWAY, P.E.
2016 N WASHINGTON ST SUITE 4
TWIN FALLS ID 83301

RE: SV RANCH LLC

Dear Mr. Brockway:

We have reviewed the proposals under the applications for transfer and water right applications that you submitted on behalf of SV Ranches and offer the following comments.

Application for Permit - Snake River No. 02-10452

This application is acceptable for processing.

Application for Permit - Castle Creek No. 57-11794

This application falls within the "Trust Water" area and due to the amount of water applied for we are not able to proceed. The priority date of the Castle Creek right you have offered for mitigation purposes is not suitable for mitigation. We suggest that you amend the application for diversion to storage outside of the irrigation season only (i.e. 11/16 to 2/28) and reduce the quantity applied for to 1.0 cfs. In reducing the amount of water and limiting the diversion period, there would not be trust water issues and mitigation would not be required.

Application for Transfer #1 North - 76738

** need 406.1 ac within 508.4*

We can proceed with the processing of this proposal. However, we find that in review of the government lot plats there are only 508.4 acres available within the permissible place of use (ppu) you have applied for. In light of this, you would only need to "move" 0.63 cfs of water and ~~34.4~~ acres of irrigation under Rt. 02-10332 to the north area. Since the changes would be a reduction in amounts, we will adjust the proposal as we process without an amended application being required.

** 34.1*

Application for Transfer #2 South Snake - 76739

This application can be processed. After overlap review we find that there are a total of 2050.5 acres under the Snake River rights. Following removal of ~~34.4~~ acres (to cover the ppu in North Snake area) there will be a total of 2019.4 acres of water rights under the South Snake area. We also reviewed the government lot plats and find that the ppu

** 34.1*

** per phone con. w/ Brockway 5/11/11*

you propose only encompasses 2178 acres in size, rather than the 2193 you have proposed. Once again, we will be able to proceed with this proposal without an amended application since we can reduce the amounts applied for.

Application for Transfer #3 Castle Creek – 76740

We did find that we are in agreement with you as to the 1801 acres under Castle Creek water rights. However, this application is problematic. We cannot proceed with this proposal as submitted. The Castle Creek priority dates for these rights are junior to many senior rights on the creek. Water is frequently not available for the junior rights. Castle Creek is under Watermaster regulation. The Snake River is not under Watermaster control. Moving the Castle Creek point of diversion downstream to the full supply of water available in the Snake River is presumed to be an enlargement as follows: switching from a limited source with rights subject to early curtailment to an abundant source over which the Watermaster has no jurisdiction. If approved, use of water under the transfer could not be administered in a practical way to avoid enlargement and possible injury. We could allow a change to the 2178 acre ppu under these rights but not the change in point of diversion. You will need to amend this application before it can be considered for processing.

Please submit the amended applications discussed above for application processing to continue. You may seek additional time to provide the corrections by making a written request to delay processing. Your written response including the requested information, or a request for more time to seek the information, must be received within the next sixty (60) days. Without a timely reply, IDWR will issue a preliminary order to void or reject the applications that need to be amended. The application fees will not be refunded for rejected applications. A rejected application may be re-filed when adequate information can be provided.

If you have any questions or concerns in regard to the above information, please feel free to contact me at (208)334-2190.

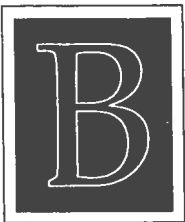
Sincerely,



KAY WALKER
Sr. Water Resource Agent

KW:K

* will leave pld at current location.



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Water Resources

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AUG 09 2010

WATER RESOURCES
WESTERN REGION

August 6, 2010

Mr. Steve Lester
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: SV Ranch LLC / Re-submittal of permit and transfer applications
Project No. 730-04-2010

Dear Steve:

Thank you for your prompt initial review of these applications. The two permit applications have been amended to use the current forms and to correct the clerical errors noted. Transfer application #2 (south area Snake River rights) has been amended to include a split of 37-10332, leaving 20.51 cfs and 1025.4 acres on the south area. Based on your comments it appears that Transfer applications #1 and #3 do not require any amendments at this time and are being re-submitted.

On the permit applications, the season of use for the diversion to storage component has been changed to 1/1-12/31. I recently spoke with the applicant's habitat consultant, and he would prefer to have water in the off season to maintain the wetlands as needed.

I understand the fee calculation to be as follows:

Permit – Snake River	\$250 for 0.9 cfs
Permit – Castle Creek	\$290 for 1.2 cfs
Transfer #1 – North	\$570 for 8.12 cfs
Transfer #2 – South Snake	\$1,390 for 40.07 cfs
Transfer #3 – South Castle	\$1,350 for 36.25 cfs
TOTAL	\$3,850
Less previously submitted	\$2,280
Balance paid with this letter	\$1,570

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

Cordially,

Charles G. Brockway, P.E.

Enc. Amended applications



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
GARY SPACKMAN, Interim Director

July 19, 2010

SV RANCH LLC
C/O CHARLES G BROCKWAY P E
BROCKWAY ENGINEERING PLLC
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

Re: Applications for Permit and Applications for Transfer

Dear Mr. Brockway:

The Idaho Department of Water Resources (IDWR) received five applications from you on behalf of SV Ranch LLC. A subsequent replacement page for the Castle Creek application for permit was also received. You provided a letter of explanation along with \$2,280 payment for filing fees.

This office typically does a quick "once over" for an application prior to receipting the payment for fees. Receipts are required to be issued within 24 hours of receiving payment, leaving little time to review an application thoroughly to decide if the application and payment should be returned or accepted and receipted. This arrangement sometimes results in applications that appear to be accepted because they have been receipted. Sometimes the applications are deficient and ideally would be returned prior to receipting along with a detailed explanation of application deficiencies and so forth.

Due to other constraints, this was not possible in this case. Without doing a complete review and analysis, I can provide the following comments.

Outdated 1999 application for permit forms were used. To amend either of those applications and for future reference for other applications for permit, please use current forms available on the IDWR website.

Snake River Application for Permit

The application lists a diversion rate of 0.90 cfs but a total rate of 0.06 cfs, which is not possible. A \$100 fee was paid, which covers up to 0.20 cfs. The application should be amended. Additional payment should be submitted if the rate will exceed 0.20 cfs.

SV Ranch LLC
July 19, 2010
Page 2

Castle Creek Application for Permit

A similar rate problem exists: 1.2 cfs with a total of 1.0 cfs. A \$100 fee was paid. The diversion point on the original and corrected first page is incorrect (shows the river diversion point). The application should be amended. Additional payment should be submitted if the rate will exceed 0.20 cfs.

Presumably, the Castle Creek transfer application will mitigate for the proposed new use from this source and will cover any trust water concerns about not diminishing flows at Swan Falls by more than 2 acre-feet per day. It is possible these issues might need further attention later in the application process, but additional information is not requested at this time.

Applications for Transfer

Three transfer applications were filed. A transfer is limited to a single system, regardless of the number of rights in the transfer. This means a right cannot be totally included in one transfer and partly included in another. However, a right can be split and made available for separate systems in separate transfers. Right 2-10332 is partly included in “transfer #1 north area” and totally listed in “transfer #2 south area Snake rights.”

Assume 0.68 cfs from 2-10332 in transfer #1 is correct. The \$570 fee for 8.12 cfs is correct. If transfer #1 is accurate, transfer #2 cannot be correct regarding right 2-10332.

A \$1510 fee was paid for transfers #2 and #3. Fee corrections are suggested as follows:

- Assume 0.68 cfs from 2-10332 is deleted from transfer #2. The rights in transfer #2 would total 40.07 cfs.
- The fee would be \$1390.
- The creek rights in transfer #3 total 36.25 cfs.
- The fee would be \$1350.
- Payment for transfers #2 and #3 is short \$1230 ($\$1390 + \$1350 - \1510).

This includes all considerations of combined diversion rate limits in the rights being transferred.

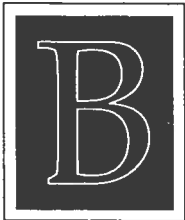
The applications are returned for revision and additional payment as needed. The entire \$2280 will be refunded if the corrected applications are not re-submitted within the next sixty (60) days. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

John Lutz

Steve Lester
Water Rights Supervisor

Enclosure: 2 original applications for permit
3 original applications for transfer



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JUL 07 2010

WATER RESOURCES
WESTERN REGION

July 5, 2010

Mr. John Westra, Manager
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Transfer and Permit Applications – SV Ranch LLC
Project No. 730-04-2010

Dear Mr. Westra:

Enclosed please find an application package containing three (3) transfer applications and two (2) permit applications. The applicant seeks to restructure irrigation rights to conform to present and proposed usage, and to allow the creation of three small wetland facilities for the purposes of wildlife enhancement. More details on the applications and the supporting hydrologic evaluations are provided in the attached narrative.

Application fees are enclosed as follows:

Permit applications (2)	\$200
Transfer #1 (north area) – 8.1 cfs	\$570
Transfers #2 and #3 (south area) – 45 cfs (est.)	\$1,510
TOTAL	\$2,280

Please note that the fee for Transfers #2 and #3 was based on the total estimated combined discharge limit for the Snake River and Castle Creek rights. Even though structured as two transfers, the flow rates are not additive and therefore it seems that the fee should be based on the actual flow limitation between all rights. If this is incorrect, please let me know.

Also please note that there appear to be a number of possible errors or inconsistencies with the combined-use conditions on the water rights that should be sorted out in the course of the transfer process.

Cordially,

Charles G. Brockway, P.E.

Cc: Greg Vik
Rod Gonsales
Jim Speck, Atty.

CHARLES E.
BROCKWAY,
PH.D., P.E.

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