

MEMO

TO: File 37-8205

FROM: Cherie Padilla

DATE: May 17, 2011

RE: Application for Amendment Approval

Timeline for Amendment

5/16/2009: IDWR received an application for amendment of permit

10/13/2009: Field exam conducted

10/19/2009: Proof of beneficial use and beneficial use field report are received by IDWR

12/30/2009: Revised beneficial use field report received at IDWR

Purpose of Amendment

The purpose of the application is to change the conditions which describe the heating and recreation uses. The request, found in the cover letter for the application, is quite different than what was eventually developed and described in the beneficial use field report. In order for the amendment to be approvable the described uses cannot exceed what the permitted conditions allowed in order to avoid enlargement. The technical memorandum, dated December 30, 2009 found within the beneficial use report, includes a comparison of the estimated hypothetical rate and volume of the original proposed beneficial uses versus the uses that were actually developed. In the memo, Brockway ensures that the original described water use is $\geq$ than the developed water use.

Page 11, section J of the beneficial use report lists the beneficial uses as: heating for recreational pool/spa, snowmelting, residential heating to one home, and one bath house; recreation use for the pool/spa. The amendment will reflect these uses.

In addition, the POU and PD have been updated pursuant to the field exam. Note that none of the legal descriptions on the permit have been changed; rather the POU and PDs have been reduced so there is no need for an amendment.

Overlap Analysis

PD

This right shares two of its three PDs with right 37-22128, wells #3R and #75-1. The capacity of the two wells is 1.06 cfs.

POU

There are two rights that cover the same pond (pool) as this right, 37-2446 and 37-4369, and are from surface water. No overlapping conditions apply since the source for this right is groundwater.

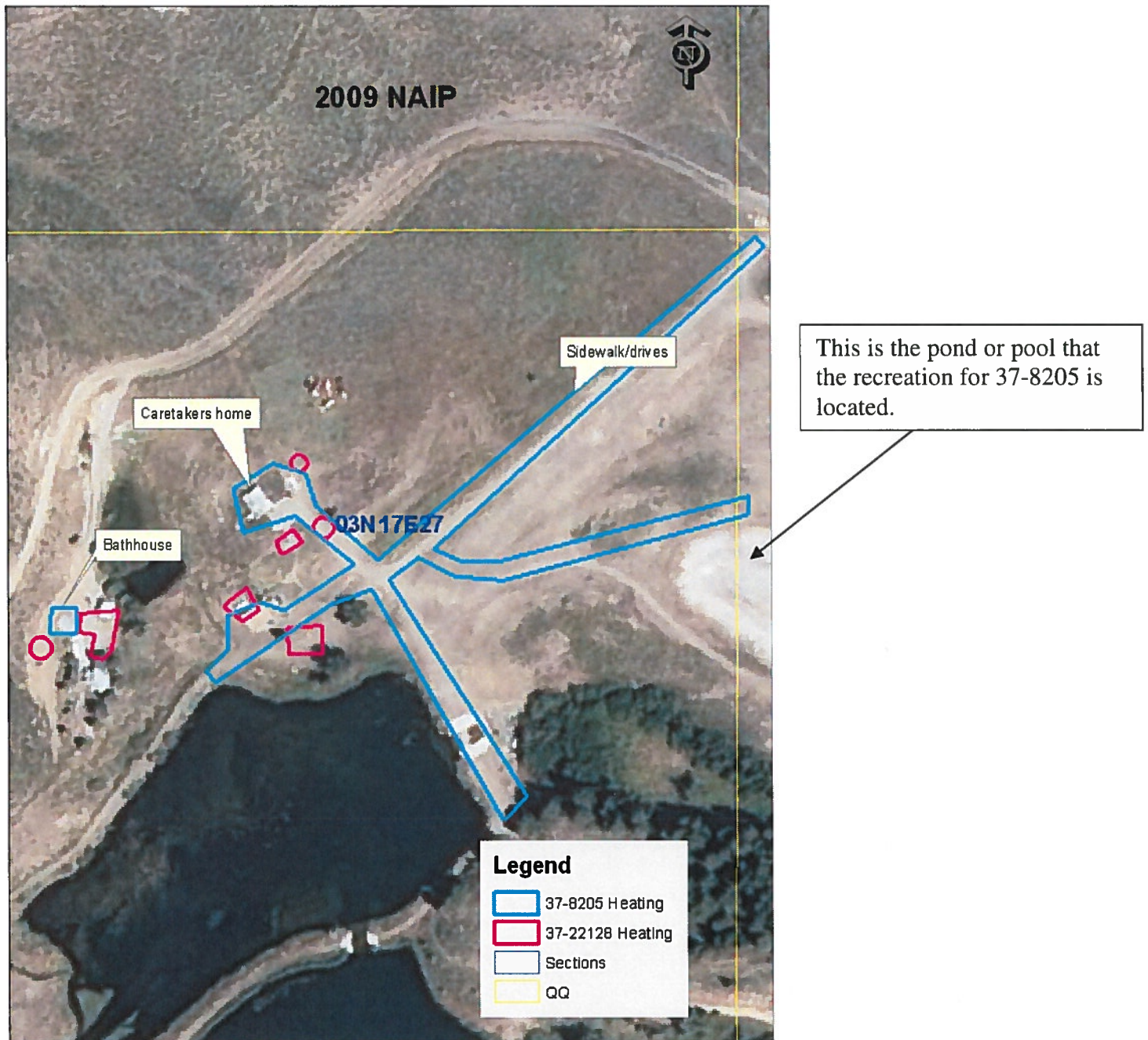
Decreed water right 37-22128 has a source of groundwater and is for heating, recreation, and irrigation uses. The uses break-down as follows¹:

Heating: 1 home, 1 lodge and pools

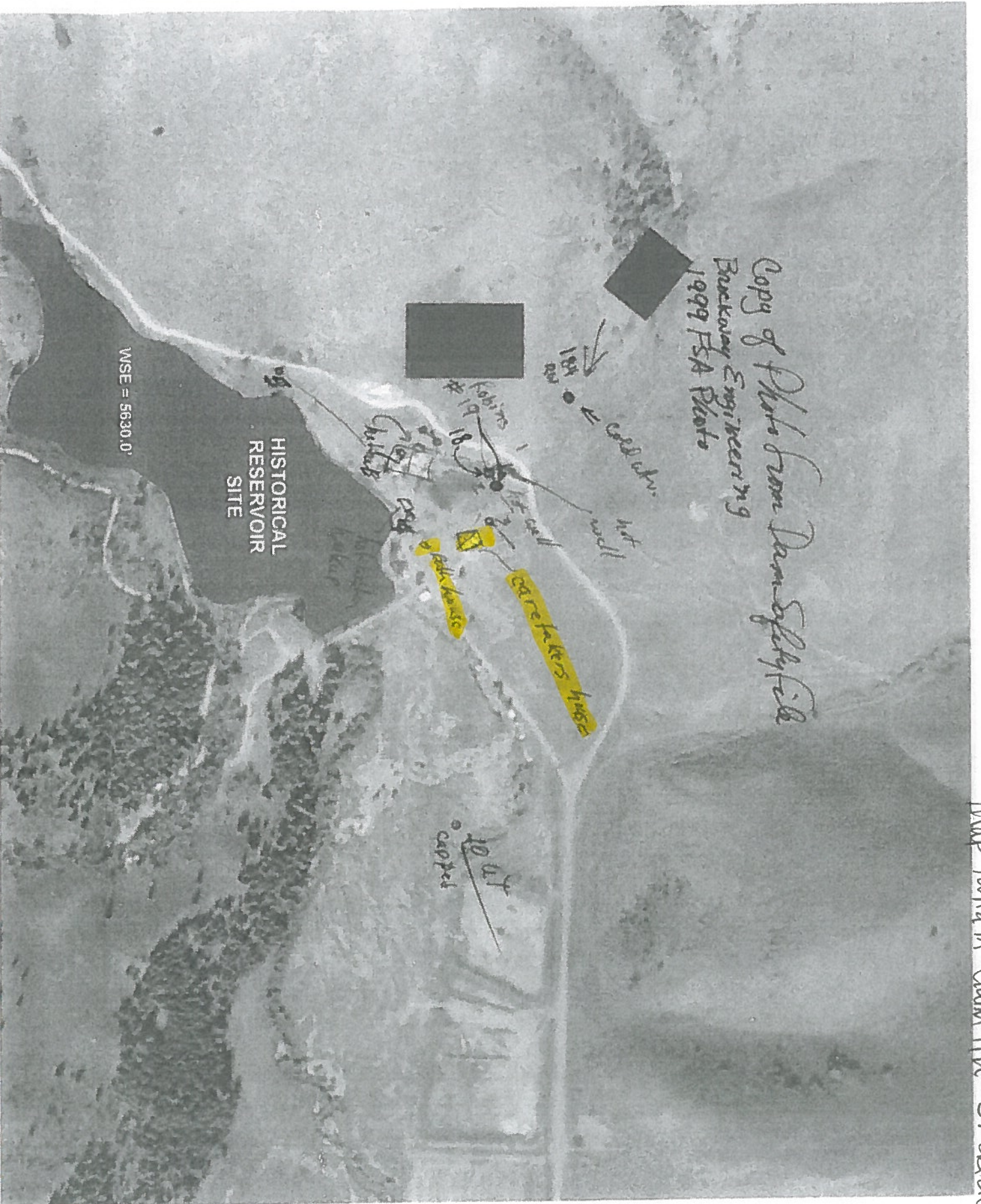
Recreation: pools and bathhouse

¹ As listed on Claim to a Water Right for parent right 37-4370, note that 37-4370 was split in two rights; 37-22127 for domestic uses and 37-22128 for heating, recreation, and irrigation.

The recreation use for this right, 37-8205, does not overlap with 37-22128. However, it is inconclusive whether the heating use overlaps between the two rights. In the map below, the shapes for heating between the rights don't appear to overlap much. It is certain that there is one house and one caretaker's home on the property, so I believe that the rights are covering one home each and no overlapping coverage is occurring in the homes and it appears that more than one bathhouse is on the system, so it's possible that the rights do not overlap at all. I recommend that no overlapping rights be add on the permit.



System Capacity: The field examiner recommended a diversion rate of 1.76 cfs based on the systems dynamic state. The steady state diversion rate is 1.48 cfs.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Sun Valley Shamrock Resources Inc.
(Name of Claimant)
P.O. Box 912, Hailey, Idaho 83333 Telephone No. 208-788-4122
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) July 1, 1940

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Groundwater tributary to

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity <u>0.12 cfs</u>	Use <u>Domestic</u>	Period of Use From <u>Jan 1</u> To <u>Dec 31</u>		
Quantity <u>0.13</u>	Use <u>Heating</u>	Period of Use From <u>Jan 1</u> To <u>Dec 31</u>		
Quantity <u>0.20</u>	Use <u>Irrigation</u>	Period of Use From <u>April 1</u> To <u>Nov. 1</u>		
Quantity <u>0.13</u>	Use <u>Recreation</u>	Period of Use From <u>Jan 1</u> To <u>Dec 31</u>		
Quantity <u>0.45 cfs</u>	TOTAL QUANTITY USED.			

- (4) A) Point of diversion: (Location of point where water is diverted from its source)

(6 pts) SW 1/4 SE 27 Twp. 3N Rge. 17E B.M., County of Blaine
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 5 wells & 1 tile drain network delivering via pipelines

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3N	17E	27															3		3
3N	17E	27																	

Place an
X in appropriate
box to show
location.

No. of acres 3

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

Domestic Use - Culinary water for 1 house, 1 lodge & trailer court for up to 8 trailers.
Heating Use - 1 lodge, 1 house, and swimming pools.
Recreational Use - Swimming Pools & bath houses.

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization: