

Amended

FEB 02 2011

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

76280

DEPT. OF WATER RESOURCES
SOUTHERN REGION**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☒ ☐ #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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED

FEB 02 2011

Name of Applicant(s) Cottonwood Creek Homeowners Association c/o: Robin Taylor, Sec. Phone _____DEPT. OF WATER RESOURCES
SOUTHERN REGIONMailing address P.O. Box 2840 Ketchum, ID 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 Charles E. Brockway Phone 208-736-8543Mailing address 2016 Washington St. N, Suite #4 Twin Falls, ID 83301

Email _____

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

OR

☒ Send original correspondence to the applicant and copies to the representative.☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

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



Signature of Applicant or Authorized Representative

Charles E. Brockway

Print Name and Title if applicable



Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use
 ☐ Add diversion point(s)
☐ Change period of use
 ☒ Change place of use
☒ Other Create PPU
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2. Applicant seeks to create a permissible place of use within the Cottonwood Creek Subdivision and to correct the location of the points of diversion associated with water rights 37-577CG and 37-657E.**

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 ☐ ☒	37-577CG	0.66/	Irrigation	4/15 to 10/31	Big Wood River/Malad River
☐ ☒	37-657E	0.73/	Irrigation	4/15 to 10/31	Big Wood River/Malad River
☐ ☒	37-577CG	0.03/	W, R, J	4/15 to 10/31	Big Wood River/Malad River
☐ ☒	37-657E	0.03/	W, R, J	4/15 to 10/31	Big Wood River/Malad River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.45 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 1.45 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 #
			SW	NW	20	3N	18E	BLAINE	BIG WOOD RIVER	HIAWATHA CANAL
			SE	SW	20	3N	18E	BLAINE	BIG WOOD RIVER	PURDUM SLOUGH
			SW	NE	29	3N	18E	BLAINE	REDIVERSION	OSBORN DITCH

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	
03N	18E	29		0.4	33					19	23					32	0.1		107.5
03N	18E	29			W,R											W,R			
03	18E	29			J											J			

*Irrigation limited to 36.5 acres within PPU after transfer and accompanying permit are approved.

Total Acres (for irrigation use) 107.5*

**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: Distribution of irrigation water will be through connected buried mainlines. Applicant requests 5 years development time to install necessary piping appurtenances. Pumps in pond system are used to pressurize irrigation system.

- b. Who owns the property at the point(s) of diversion? See below:

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____
 Diversions listed under both water rights (37-577CG, 37-657E) are: Purdum Slough, Hiawatha Canal

- 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: 1.5 acres will no longer be irrigated under 37-577CG and 37-657E in proposed PPU (see accompanying permit application).
- 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: *Irrigation will be limited to 36.5 acres within 107.5 acre place of use under water right 37-577CG and 37-657E.

- 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: _____

**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: _____

1. amount _____ (cfs/ac-ft) for _____	purposes from _____	to _____
amount _____ for _____	purposes from _____	to _____
amount _____ for _____	purposes from _____	to _____
amount _____ for _____	purposes from _____	to _____
amount _____ for _____	purposes from _____	to _____
amount _____ for _____	purposes from _____	to _____
amount _____ for _____	purposes from _____	to _____
amount _____ for _____	purposes from _____	to _____

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

Twp	Rge	Sec	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) _____

Page _____ of _____

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

Current Water Right No.: 37-577CG

Current Owner: COTTONWOOD CREEK INVESTMENTS INC

Priority Date: 3/24/1883

Origin: Adjudication Recommendation

Status: Active

Basis: Decreed

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Total Diversion

Diversion Rate

0.69 CFS

0.69 CFS

Annual Volume

Location of Point(s) of Diversion

BIG WOOD RIVER

BLAINE County

SW1/4NW1/4

Sec. 20, Twp 03N, Rge 18E B.M.

BIG WOOD RIVER

BLAINE County

SE1/4SW1/4

Sec. 20, Twp 03N, Rge 18E B.M.

BIG WOOD RIVER

BLAINE County

NW1/4SE1/4

Sec. 29, Twp 03N, Rge 18E B.M.
(Rediversion)

Place of Use

IRRIGATION Within BLAINE County

T03N R18E S29

SWNE

19.00

T03N R18E S29

NWSE

19.00

Total Acres: 38

Page _____ of _____

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

2. Point of rediversion is from Purdum Slough.

3. The combined annual volume of water under water rights No. 37-00577CG and 37-657E shall not exceed 133.0 acre feet.

4. T08 Failure of the right holder to comply with the conditions of transfer 4171 is cause for the Director to rescind approval of the transfer.

5. E55 Right Nos. 37-577CG and 37-657E are limited to the irrigation of a combined total of 38 acres in a single irrigation season.

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. Water is delivered through the Hiawatha canal and the Purdum Slough.

8. Measuring devices of a type approved by this Department shall be installed and maintained on all points of diversion and point of rediversion.

9. T07 The right holder shall accomplish the change authorized by transfer 4171 within one (1) year of the date of the transfer approval.

Page _____ of _____

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

Current Water Right No.: 37-657E

Current Owner: COTTONWOOD CREEK INVESTMENTS INC

Priority Date: 5/1/1881

Origin: Adjudication Recommendation

Status: Active

Basis: Decreed

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	04/15	10/31	0.76 CFS	
	Total Diversion		0.76 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	NW1/4SE1/4	Sec. 29,	Twp 03N,	Rge 18E B.M.
BLAINE County		(Rediversion)		
BIG WOOD RIVER	SE1/4SW1/4	Sec. 20,	Twp 03N,	Rge 18E B.M.
BLAINE County				
BIG WOOD RIVER	SW1/4NW1/4	Sec. 20,	Twp 03N,	Rge 18E B.M.
BLAINE County				

Place of Use

IRRIGATION Within BLAINE County

T03N R18E S29	SWNE	19.00	T03N R18E S29	NWSE	19.00
Total Acres: 38					

Page _____ of _____

Conditions of Approval:

1. Measuring devices of a type approved by this Department shall be installed and maintained on all points of diversion and point of rediversion.
2. T08 Failure of the right holder to comply with the conditions of transfer 4171 is cause for the Director to rescind approval of the transfer.
3. The combined annual volume of water under water rights No. 37-00577CG and 37-657E shall not exceed 133.0 acre feet.
4. 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.
5. Water is delivered through the Hiawatha canal and the Purdum Slough.
6. T07 The right holder shall accomplish the change authorized by transfer 4171 within one (1) year of the date of the transfer approval.
7. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
8. Point of rediversion is from Purdum Slough.
9. E55 Right Nos. 37-577CG and 37-657E are limited to the irrigation of a combined total of 38 acres in a single irrigation season.

Add'l Fee Paid	Date	Received by	Receipt #
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BROCKWAY ENGINEERING, PLLC.
ZL- 1/31/11

**ATTACHMENT 7A:
COTTONWOOD CREEK HOA
PROPOSED PPU
T.03N R.18E SEC.20, 29
2009 NAIP AERIAL PHOTOGRAPH**

Legend

-  Proposed Points of Diversion
 Area To Be Dried Up for Permit
 Proposed Cottonwood Creek HOA PPU = 107.5 ac.
 sections
 t03n18e

COTTONWOOD CREEK HOA TRANSFER APPLICATION

BROCKWAY ENGINEERING PLLC

1/31/2011

ACRES TO BE DRIED UP FOR NEW PERMIT =

1.5 Acres

TOTAL COMBINED ACRES =

38.0 Acres

PERCENTAGE OF ACRES TO BE DRIED UP FOR NEW PERMIT =

3.9%

Existing Water Rights:

RIGHT #	37-577CG	37-657E
SOURCE	SURFACE WATER	SURFACE WATER
CURRENT OWNER	COTTONWOOD CREEK HOMEOWNERS ASSOCIATION	COTTONWOOD CREEK HOMEOWNERS ASSOCIATION
PRIORITY DATE	3/24/1883	5/1/1881
BASIS	DECREED	DECREED
USE	IRRIGATION	IRRIGATION
Diversion Rate	0.69 CFS	0.76 CFS
Combined Diversion Volume LIMIT	133.0 AFA	
Total Diversion LIMIT	0.69 CFS	0.76 CFS
Acre LIMIT	38.0 Acres	38.0 Acres
Combined Acre LIMIT	38.0 Acres	

Portions of Water Rights Converted to Permit W,R,J Uses:

RIGHT #	37-577CG	37-657E
SOURCE	SURFACE WATER	SURFACE WATER
CURRENT OWNER	COTTONWOOD CREEK HOMEOWNERS ASSOCIATION	COTTONWOOD CREEK HOMEOWNERS ASSOCIATION
PRIORITY DATE	3/24/1883	5/1/1881
BASIS	DECREED	DECREED
USE	IRRIGATION	IRRIGATION
Diversion Rate	0.03 CFS	0.03 CFS
Combined Diversion Volume LIMIT	5.3 AFA	
Total Diversion LIMIT	0.06 CFS	
Acre LIMIT	1.5 Acres	1.5 Acres
Combined Acre LIMIT	1.5 Acres	

Remaining Irrigation Water Rights:

RIGHT #	37-577CG	37-657E
SOURCE	SURFACE WATER	SURFACE WATER
CURRENT OWNER	COTTONWOOD CREEK HOMEOWNERS ASSOCIATION	COTTONWOOD CREEK HOMEOWNERS ASSOCIATION
PRIORITY DATE	3/24/1883	5/1/1881
BASIS	DECREED	DECREED
USE	IRRIGATION	IRRIGATION
Remaining Diversion Rate	0.66 CFS	0.73 CFS
Combined Diversion Volume LIMIT	127.8 AFA	
Remaining Total Diversion Rate	1.39 CFS	
Remaining Acre Limit	36.5 Acres	36.5 Acres
Combined Acre LIMIT	36.5 Acres	

COTTONWOOD CREEK HOMEOWNERS ASSOCIATION**CONSUMPTIVE USE BALANCE FOR ASSOCIATED WATER RIGHT TRANSFER AND PERMIT:**

LINE:	VALUE:	EXPLANATION:
1	1.26	Hailey NWS- Open Water- Shallow Systems (Annual P_{def} value) 1.26 ft (385 mm) per acre
2	1.64	Hailey NWS- Grass Pasture, Low Management (Annual P_{def}) 1.64 ft (500mm) per acre
3	38.0	Historic Irrigated Area- Grass Pasture Low Management (Acres)
4	62.3	Total Historic Consumptive Use- Grass Pasture Low Management (1.64 acre-feet)
5	1.5	Total Number of Acres of Pond Open Water (Acres)
6	1.9	Consumptive Use- Open Water (1.26 ft per Acre) After Transfer Approval
7	62.3	Total Historic Consumptive Use- Grass Pasture Low Management (1.64 acre-feet)
8	64.2	Total Combined Consumptive Use of Pond Open Water and Historic 38 Acre Irrigated Area (acre-feet)
9	1.9	Excess Consumptive Use based on Historic Consumptive Use
10	1.2	Acres of Grass Pasture Low Management (1.64 ft per Acre) Needing to Be Dried Up to Meet Historic Consumptive Use
11	36.5	Number of Authorized Irrigated Acres After Transfer Approval*

* Although CU difference is less than open water area, irrigated acreage under 37-577CG and 37-657E will be reduced by number of new surface water acres per IDWR transfer processing memo #26.

Values in lines 1 and 2 taken from:
Allen, Richard G. and Clarence W. Robison, 2009. Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho: Supplement updating the Time Series through December 2008, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID.