

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 76711

JUL 27 2010

MINIMUM REQUIREMENTS CHECKLIST

WATER RESOURCES
WESTERN REGION

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. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☒ * 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/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm.
- ☐ ☒ #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: _____

WITHDRAWN

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76711

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Hanging Valley Ranch, Inc. Phone 208-344-4070

Mailing address 1625 Annett Street, Boise, ID 83705 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 _____ Phone _____

Mailing address _____ 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.

Leon K. Carson
Signature of Applicant or Authorized Representative

Leon K. Carson, Its President
Print Name and Title if applicable

7/20/10
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. Change point of diversion for Water Right No. 65-23230 to point of diversion for Water Right No. 65-02803X, also owned by Applicant. Place of Use to be the same as for 65-02803X, except the SWSW of Sec. 29. Purpose is to consolidate the two water rights to the same diversion point.

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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 ☒ ☐	65-23230	0.06/7.2	Domestic	01/01 to 12/31	Burn Creek & S. Fk. Payette
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.06 cfs and/or 7.2 ac-ft

2. Total amount of water proposed to be transferred or changed 0.06 cubic feet per second and/or 7.2 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 #
No			SE	SW	29	10N	10E	Boise	Burn Creek	

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	
10N	10E	29												D					
10N	10E	31	D			D													
10N	10E	32					D	D	D										

Total Acres (for irrigation use) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: Existing diversion for Water Right No. 65-02803X

- b. Who owns the property at the point(s) of diversion? U.S. Forest Service

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

- 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: N/A

- 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: Water Right No. 65-23231, owned by the Hanging Valley Homeowners Association, Inc., will continue to use the diversion in the NE1/4SW1/4 of Sec. 29, T. 10N, R. 10 E., B.M. for domestic water use by the subdivision.

- 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: _____

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

Current Water Right No.: 65-23230

Current Owner: HANGING VALLEY RANCH INC
Priority Date: 5/27/1965
Origin: Water Right
Status: Active
Basis: Decreed

Source
BURN CREEK

Tributary
SOUTH FORK PAYETTE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
DOMESTIC	01/01 to 12/31	0.06 CFS	7.2 AF
	Total Diversion	0.06 CFS	7.2 AF

Location of Point(s) of Diversion

BURN CREEK
BOISE County

NE1/4SW1/4 Sec. 29, Twp 10N, Rge 10E B.M.

Place of Use

DOMESTIC Within BOISE County

T10N R10E S29	SWSW	T10N R10E S29	SESW
T10N R10E S32	NWNW		

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
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. F06 The following rights are diverted through point(s) of diversion described above: 65-23230 & 65-23231

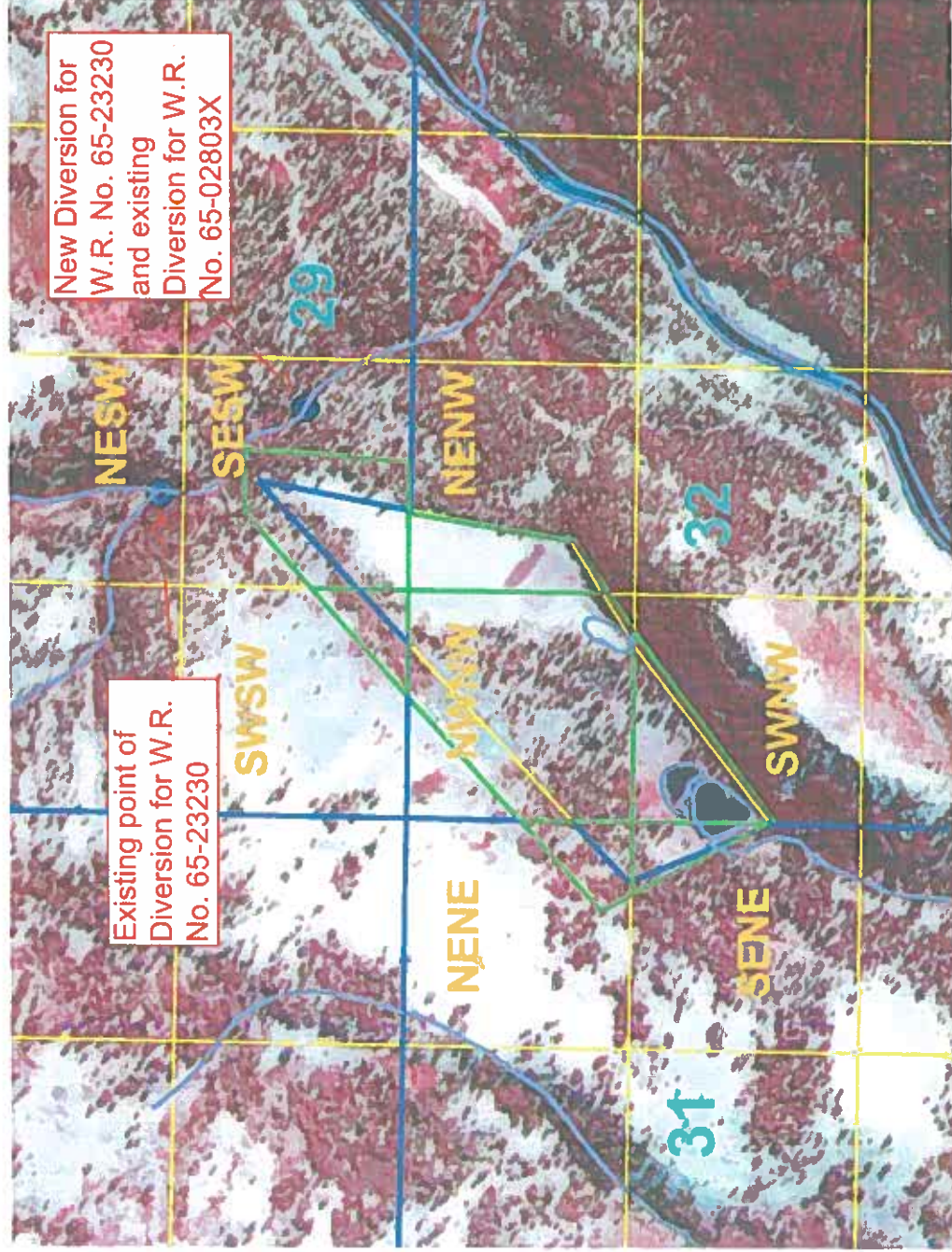
Decreed Date: 11/3/2000

Total Acres (for irrigation use) _____

5d

IDAHO DEPARTMENT OF WATER RESOURCES

T10N, R10E, S29, 31 & 32



1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-02803X

OWNER(S): HANGING VALLEY RANCH

Prepared by Mel Schulte

DATE: DECEMBER 29, 1999

0 0.25 0.5 0.75 1 Miles



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

January 6, 2011

HANGING VALLEY RANCH INC.
ATTN: LEON K. CARSON
1625 ANNET ST
BOISE ID 83705

Re: Withdrawal of Application for Transfer No. 76711

Dear Applicant(s):

Thank you for your recent withdrawal of the above referenced application.

Please contact our office at 208-334-2190 if you have additional questions in this matter. Also, more information about water rights and other matters administered by this agency is available on the Internet at www.idwr.idaho.gov.

Sincerely,

Denise Buffington
Administrative Assistant
Western Region

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DEC 30 2010

WATER RESOURCES
WESTERN REGION

Attn: Kay Walker
Id Dept Water Resources
Western Region
27 35 Airport Way
Boise, Idaho 83705-5082

December 27, 2010

Dear Ms. Walker:

Thank you for your letter of December 2, 2010 and your evaluation of the Hanging Valley Ranch application for a water right transfer.

Based upon your information and guidance, Hanging Valley Ranch withdraws the application until such time as they can more fully understand the implications and consequences of such a transfer.

We felt it better to withdraw the application than to request more time to review the original intent of the action. If we are convinced that we are on the right path, we will re-apply at a later date.

Sincerely,



Leon K. Carson
President
Hanging Valley Ranch, Inc.
1625 Annett St.
Boise, Idaho 83705



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

December 2, 2010

HANGING VALLEY RANCH INC
1625 ANNETT ST
BOISE ID 83705

RE: Application for Transfer 76711

Gentlemen:

In initial review of the above referenced application for transfer we find we need to clarify some information before taking further action.

The transfer application states that you wish "to change the point of diversion of Rt. 65-23230 to the point of diversion used for Rt. 65-02803X". In our review it is found that Rt. 65-02803X can be diverted from either the NE $\frac{1}{4}$ SW $\frac{1}{4}$ or SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, Twp. 10N, Rge. 10E. You should also be advised that Rt. 65-7149 can also be diverted from both of these points of diversion. We have included copies of the partial decrees showing both points of diversion for your convenience. Following a telephone conversation with Mr. Paul Kunz, regarding the status of the application, it is our understanding that you wish to remove your water rights from the point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and allow the homeowner's association to utilize that point. If this is the case, you may want to include 65-02803X and 65-7149 in the transfer application so you have no water rights diverted from that point.

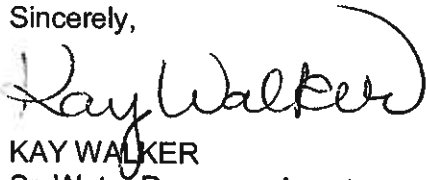
We will have to verify the use of your water rights before a transfer can occur since it has been more than 10 years since the rights were decreed in the Snake River Basin Adjudication. We need to know where the 6 homes under Rt. 65-23230 have been historically located and where they will be after the transfer is processed. I have included a 2009 aerial photo that shows the area your property is located so you can mark where the homes are currently located and where you plan to move them. We must verify the historical water use in order to avoid any expansion of the water rights. We will also be reviewing the location of your irrigated lands during this process if you include the irrigation rights in the transfer application.

If you decide that you want to include all 3 rights in the transfer application, you should submit an "Amended" Transfer Application form that includes all three water rights, and an additional \$190.00 to cover the amount of water that will be "moved".

Your written response letting us know if you will be submitting an amended application, a request to withdraw your application, or a request for more time to seek information, must be received within the next thirty (30) days. Without a timely reply, the Department will issue a preliminary order to reject or deny the application. The application fees will not be refunded for rejected or denied applications.

Department forms and other information are available on the internet at www.idwr.idaho.gov. Please contact this office at 334-2190 if you have any questions. Thank you for your attention to this matter.

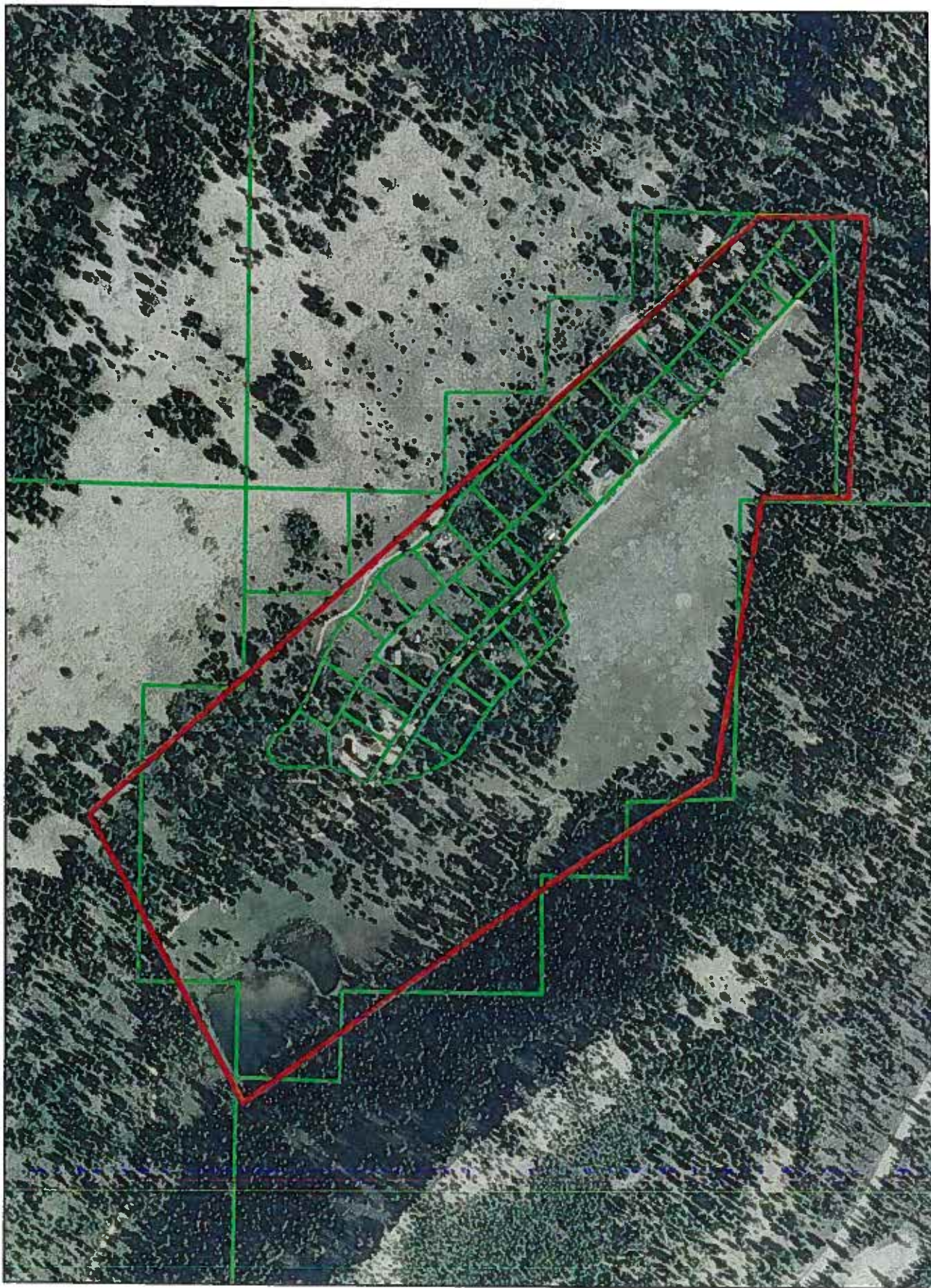
Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is fluid and cursive, with the first name "Kay" and last name "Walker" clearly distinguishable.

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosures

Cc: Hanging Valley Homeowners Assn. Inc.
3978 E. Aspen Hill Ct.
Boise, ID 83706



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 65-02803X

2001 APR 23 AM 8:28

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: HANGING VALLEY RANCH INC
1625 ANNETT ST
BOISE, ID 83705

SOURCE: BURN CREEK TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.65 CFS

PRIORITY DATE: 05/27/1965

POINT OF DIVERSION: T10N R10E S29 NESW Within Boise County
SESW

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-15 TO 10-15	0.65 CFS
Diversion to Storage	01-01 TO 12-31	0.65 CFS
Recreation Storage	01-01 TO 12-31	8.80 AFY
Recreation	01-01 TO 12-31	0.65 CFS

THE RECREATION COMPONENTS ARE PONDS USED FOR RECREATIONAL
FISHING

PLACE OF USE:

Irrigation		Within Boise County
T10N R10E S29	SWSW 4.0	SESW 15.0
S31	NENE 5.0	SENE 5.0
S32	NENW 8.0	NWNW 35.0
	SWNW 10.0	
82.0 Acres Total		

USE OF THIS RIGHT WITH RIGHT NO. 65-07149 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 82 ACRES IN A SINGLE
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 65-07149

2001 MAR 19 AM 8:48

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

RECEIVED

MAR 20 2001

Department of Water Resources

NAME AND ADDRESS: HANGING VALLEY RANCH INC
C/O FRANCES CARSON
1625 ANNETT ST
BOISE, ID 83705

SOURCE: BURN CREEK

TRIBUTARY: PAYETTE RIVER, SOUTH FORK

QUANTITY: 0.50 CFS

PRIORITY DATE: 07/29/1970

POINT OF DIVERSION: T10N R10E S29 NESW Within Boise County
SESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	0.50 CFS

PLACE OF USE:	Irrigation		Within Boise County
	T10N R10E S29	SWSW 4.0	SESW 12.0
	S31	NENE 5.0	SENE 5.0
	S32	NENW 8.0	NWNW 21.0
		SWNW 10.0	
	65.0 Acres Total		

USE OF THIS RIGHT WITH RIGHT NO. 65-02803X IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 82 ACRES IN A SINGLE
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

R. Burdick
Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication