

NOV 23 2009

DEPARTMENT OF
WATER RESOURCES
Page 1 of 6

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NOV 25 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Transfer No. 76168

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
MINIMUM REQUIREMENTS CHECKLIST

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. The instructions, fee schedule and water right proof report or details report for Part 2A of the transfer application are available from any Department office or on the Department's website @ <http://www.idwr.idaho.gov/>.

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

■ Means this item is always required and should be included in application.

- ☒ ■ Completed Application for Transfer of Water Right form, Part 1.
- ☒ ■ Notarized signature of applicant(s) or applicant's authorized representative on first page of transfer application form. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ ■ Application for Transfer Part 2A. Attach a Proof Report (obtained from Department) or Details Report (obtained on website) describing each water right in the transfer as currently recorded. (Attached Director's Report page)
- ☐ ☒ Complete and attach an Application for Transfer Part 2B/C for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ ☐ Application for Transfer Part 3 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. (See last page of the application for transfer instructions.)

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 Department 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, attach documentation showing land and/or 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.
- ☐ ☒ #6 Notarized statement of agreement 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.b.)
- ☒ ■ #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 describe 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 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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DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant City of Hailey Phone (208) 788-4221

☐ 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, 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.

Mailing address 115 S. Main St., # H, Hailey, ID 83333 Email _____

Other person(s) such as attorneys, consultants, or court appointed representatives authorized to act on the applicant's behalf:

Patrick D. Brown, Esq.

Mailing address P.O. Box 207, Twin Falls, ID 83303-0207 Phone (208) 733-9300 Email _____

☐ Attach Power of Attorney or documentation providing authority to act on the applicant's behalf. 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.

Patrick D. Brown
Signature of Applicant or Authorized Representative

Rick Davis, Mayor
Print Name and Title if Applicable

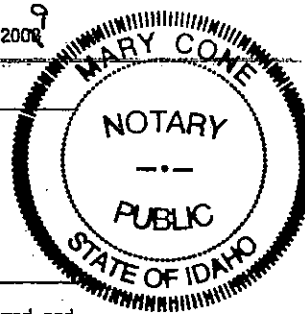
Subscribed and sworn to before me this 11th day of November, 2009

C. Cone
(Notary Public)

My commission expires 9/8/2014

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, and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2.
- Licensed water right 37-7683 was split during the processing of Transfer #70260 into two portions: 37-20831 and 37-20832. Both of the water rights were originally held by the transfer applicant (Airport West Partners). Airport West Partners retained water right 37-20832 for irrigation of landscape within a new development near the Friedman Memorial Airport. Water right 37-20831 was conveyed to the City of Hailey. This application proposes moving the point of diversion to an existing well near the Wood River Middle School to provide irrigation water for athletic fields on the school grounds. Both the existing place of use and the proposed new place of use are within the service area of the City of Hailey and hence have the same overlapping municipal water rights.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>37-20831</u>	<u>October 14, 1977</u>	<u>0.21 cfs/27.3 afy</u>	<u>Irrigation</u>	<u>4/1 to 11/1</u>

2. Total amount of water being transferred 0.21 cubic feet per second and/or 27.3 acre-feet per annum.

3. Source of water ground water tributary to _____

4. Point(s) of Diversion:

- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion within ESPA.
Label it Attachment #5.

Lot	1/4 SE	1/4 NE	1/4 SW	Sec 4	Twp 2N	Rge 18E	County Blaine	Local Name for Diversion

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	18E	4									1.6			2.8		0.4	4.3		9.1

Total Acres 9.1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

6. 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:

An existing well will be equipped with an appropriately sized pump to deliver water via pipeline to the Wood River Middle School for sprinkler irrigation of the athletic field. Flow rate and totalizing meters can be installed at the well site, if necessary in the future.

- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? If yes, list the name of the entity and type of lien:

No.

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.

- ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. Label it Attachment #6.

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

The land that was previously irrigated under water right 37-7683 (the "parent" of water right 37-20831) has been subdivided and is currently being developed. Water right 37-20831 was split from 37-7683 by Transfer #70260 in 2003 and subsequently conveyed to the City of Hailey. Irrigation under water right 37-20831 no longer occurs at the original site.

- d. 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:

Both the existing place of use and the proposed new place of use are within the service area of the City of Hailey and hence have the same overlapping municipal water rights.

- e. 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, 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 # 37-20831 AS RECORDED

- ☒ For each water right listed in Part 1 B.1. of the application, attach a Proof Report (obtained from Department) or Details Report (obtained from website). Label it Part 2A.

B. DESCRIPTION OF PORTION OF RIGHT # _____ BEING TRANSFERRED

- ☐ Complete and attach one copy Part 2B. for each right for which only a portion is proposed to be changed.
☒ Part 2B. is not applicable (the entire right is proposed to be changed).

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

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local Name for Diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT # _____

- ☐ Complete and attach one copy of Part 2C. for each right for which only a portion is proposed to be changed. If the entire
☒ Part 2C. is not applicable (the entire right is proposed to be changed).

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

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local Name for Diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

Part 2A

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 37-20831

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN - 4 2009

By _____
Clerk
Deputy Clerk

NAME AND ADDRESS: CITY OF HAILEY
115 S MAIN ST #K
HAILEY, ID 83333

SOURCE: GROUND WATER

QUANTITY: 0.21 CFS
27.30 AFY

PRIORITY DATE: 10/14/1977

POINT OF DIVERSION: TOWN RISE S15 NENSW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.21 CFS 27.30 AFY

PLACE OF USE: Irrigation Within Blaine County
TOWN RISE S15 NENSW 9.1
9.1 Acres Total

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.

John M. Malancon
Presiding Judge of the
Snake River Basin Adjudication

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

A. PLAT MAP (See Part 3A of Instructions 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

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 right(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 ground water rights have been used historically in conjunction with other water right(s) at the existing place of use. Describe the time during the irrigation season that the supplemental right(s) have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change:

Both the existing place of use and the proposed new place of use are within the service area of the City of Hailey and hence
have the same overlapping municipal water rights, including surface water and ground water rights that can be used for irrigation.
There will be no change to the primary-supplemental relationship of these water rights.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Prelim. Check by _____ Date _____

Fee Amount \$250.00 Date 12/4/09 Received by JC Receipt # 5038189

Fee Amount _____ Date _____ Received by _____ Receipt # _____

