

RECEIVED

AUG 3 2009

Page 1 of 8STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGIONTransfer No. 75856**AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**Name of applicant Spring Creek Idaho Ranch LLC Phone 208-726-1780
Post Office address P.O. Box 4380 Ketchum, ID 83340**A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion ☐ Add diversion point ☐ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Applicant seeks to add beneficial uses to an existing irrigation water right, and to mitigate (dry up) acres for accompanying application for permit.

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>37-2597¹</u>	<u>7/09/1957</u>	<u>1.10/288.0</u>	<u>Irrigation</u>	<u>4/15 to 10/31</u>
<u>37-2597²</u>	<u>7/09/1957</u>	<u>0.26/69.0</u>	<u>W,R,J</u>	<u>4/15 to 10/31</u>
<u>37-2597</u>	<u>7/09/1957</u>	<u>0.04/</u>	<u>Domestic</u>	<u>01/01 to 12/31</u>
<u>37-2764¹</u>	<u>11/19/1963</u>	<u>1.75/441.9</u>	<u>Irrigation</u>	<u>4/15 to 10/31</u>
<u>37-2764²</u>	<u>11/19/1963</u>	<u>0.23/59.1</u>	<u>W,R,J</u>	<u>4/15 to 10/31</u>
<u>37-2764</u>	<u>11/19/1963</u>	<u>0.04/</u>	<u>Domestic</u>	<u>01/01 to 12/31</u>

2. Total amount of water being transferred 3.34 cubic feet per second and/or 858.0 acre-feet per annum.
3. Source of water Ground Water tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	NE	NE	SE	15	01S	18E	BLAINE	WELL
	NE	NE	SE	15	01S	18E	BLAINE	WELL
	SE	NE	SE	15	01S	18E	BLAINE	WELL
	SE	SW	SE	15	01S	18E	BLAINE	WELL

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
01S	18E	15													32.0	5.1	28.0	39.0	104.1
01S	18E	22	15.0	25.0			26.0			5.0									71.0
01S	18E	15													W,R,J	W,R,J	W,R,J	W,R,J	
01S	18E	15															D		
01S	18E	22	W,R,J	W,R,J			W,R,J												

*Under 37-2597, Irrigation within 175.1 acre POU will be limited to 82.3 acres with transfer approval.

*Under 37-2764, Irrigation within 175.1 acre POU will be limited to 147.3 acres with transfer approval.

Total acres 175.1*

PART 1

6. General Information:

a. Description of diversion system Property is irrigated using an extensive system of diversion ditches and laterals to gravity (flood) irrigate.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
☐ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

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

Irrigated acreage will be reduced after transfer approval.

d. Remarks:

Transfer seeks to change the nature of use for portions of the existing water rights to mitigate for concurrent application for permit. Number of authorized irrigated acres will be reduced with approval of this transfer application. See accompanying water right transfers and narrative filed by Spring Creek Idaho Ranch LLC.

¹ Irrigation diversion rate/volume will continue to be diverted for irrigation use. Some irrigated area will be dried up to mitigate for W,R,J uses associated with the concurrent permit (see below).

² Diversion rate/volume to be used for mitigation and converted for W,R,J uses listed on the accompanying permit application.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 20_____.

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

Current Water Right No.: 37-2597

Current Owner: SPRING CREEK IDAHO RANCH LLC
Priority Date: 7/9/1957
Origin: Adjudication Recommendation
Status: Active
Basis: License

Source	Tributary				
GROUND WATER					
Beneficial Use	From	To	Diversion Rate	Annual Volume	
IRRIGATION	04/15 to 10/31		1.36 CFS	357 AF	
DOMESTIC	01/01 to 12/31		0.04 CFS		
	Total Diversion		1.36 CFS	357 AF	
Location of Point(s) of Diversion					
GROUND WATER			SE1/4NE1/4SE1/4	Sec 15,	Twp 01S. Rge 18E B.M.
BLAINE County					
GROUND WATER			NE1/4NE1/4SE1/4	Sec 15,	Twp 01S. Rge 18E B.M.
BLAINE County					
GROUND WATER			NE1/4NE1/4SE1/4	Sec 15,	Twp 01S. Rge 18E B.M.
BLAINE County					
GROUND WATER			SE1/4SW1/4SE1/4	Sec 15,	Twp 01S. Rge 18E B.M.
BLAINE County					

Place of Use

IRRIGATION Within BLAINE County

T01S R18E S15	NESE	32.00	T01S R18E S15	NWSE	5.10
T01S R18E S15	SWSE	28.00	T01S R18E S15	SESE	39.00
T01S R18E S22	NENE	15.00	T01S R18E S22	NWNE	25.00
T01S R18E S22	NENW	26.00	T01S R18E S22	SENW	5.00
Total Acres 175.1					

DOMESTIC Within BLAINE County

T01S R18E S15 SWSE

Conditions of Approval:

1. E55 Right Nos. 37-2597 and 37-2764 are limited to the irrigation of a combined total of 175.1 acres in a single irrigation season.
2. K06 This right is limited to the irrigation of 102 acres within the place of use described above in a single irrigation season.
3. N12 The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
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. N10 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

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B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED*(if the entire right is to be changed by the applicant, omit part B and C)*

1. Amount 0.26/69.0 for Irrigation purposes from 4/15 to 10/31
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	NE	NE	SE	15	01S	18E	BLAINE	WELL
	NE	NE	SE	15	01S	18E	BLAINE	WELL
	SE	NE	SE	15	01S	18E	BLAINE	WELL
	SE	SW	SE	15	01S	18E	BLAINE	WELL

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
01S	18E	15													32.0	5.1	28.0	39.0	104.1
01S	18E	22	15.0	25.0			26.0			5.0									71.0

*Irrigation will be reduced by 19.7 acres after water right transfer approval.

Total acres 175.1*

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. Amount 1.10/288.0 for Irrigation purposes from 4/15 to 10/31
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	NE	NE	SE	15	01S	18E	BLAINE	WELL
	NE	NE	SE	15	01S	18E	BLAINE	WELL
	SE	NE	SE	15	01S	18E	BLAINE	WELL
	SE	SW	SE	15	01S	18E	BLAINE	WELL

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
01S	18E	15													32.0	5.1	28.0	39.0	104.1
01S	18E	22	15.0	25.0			26.0			5.0									71.0

*Irrigation will be reduced by 19.7 acres after water right transfer approval.

Total acres 175.1*

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

Current Water Right No.: 37-2764

Current Owner: SPRING CREEK IDAHO RANCH LLC

Priority Date: 11/19/1963

Origin: Adjudication Recommendation

Status: Active

Basis: License

Source	Tributary				
GROUND WATER					
Beneficial Use	From	To	Diversion Rate	Annual Volume	
IRRIGATION	05/01 to 10/01		1.98 CFS	501 AF	
DOMESTIC	01/01 to 12/31		0.04 CFS		
	Total Diversion		1.98 CFS	501 AF	
Location of Point(s) of Diversion					
GROUND WATER			NE 1/4 NE 1/4 SE 1/4	Sec. 15,	Twp 01S, Rge 18E B.M.
BLAINE County					
GROUND WATER			SE 1/4 SW 1/4 SE 1/4	Sec. 15,	Twp 01S, Rge 18E B.M.
BLAINE County					
GROUND WATER			NE 1/4 NE 1/4 SE 1/4	Sec. 15,	Twp 01S, Rge 18E B.M.
BLAINE County					
GROUND WATER			SE 1/4 NE 1/4 SE 1/4	Sec. 15,	Twp 01S, Rge 18E B.M.
BLAINE County					

Place of UseIRRIGATION Within BLAINE County:

T01S R18E S15	NESE	32.00	T01S R18E S15	NWSE	5.10
T01S R18E S15	SWSE	28.00	T01S R18E S15	SESE	39.00
T01S R18E S22	NENE	15.00	T01S R18E S22	NWNE	25.00
T01S R18E S22	NENW	26.00	T01S R18E S22	SENE	5.00
Total Acres 175.1					

DOMESTIC Within BLAINE County:

T01S R18E S15 SWSE

Conditions of Approval:

1. N10 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
2. S37 The use of water for irrigation under this right may begin as early as April 15 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before May 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. N12 The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
4. E55 Right Nos. 37-2597 and 37-2764 are limited to the irrigation of a combined total of 175.1 acres in a single irrigation season.
5. 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.
6. E53 Right Nos. 37-2597 and 37-2764 are limited to a total combined annual diversion volume of 576 AF.
7. K06 This right is limited to the irrigation of 167 acres within the place of use described above in a single irrigation season.

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B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED*(if the entire right is to be changed by the applicant, omit part B and C)*

1. Amount 0.23/59.1 for Irrigation purposes from 4/15 to 10/31
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	NE	NE	SE	15	01S	18E	BLAINE	WELL
	NE	NE	SE	15	01S	18E	BLAINE	WELL
	SE	NE	SE	15	01S	18E	BLAINE	WELL
	SE	SW	SE	15	01S	18E	BLAINE	WELL

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
01S	18E	15													32.0	5.1	28.0	39.0	104.1
01S	18E	22	15.0	25.0			26.0			5.0									71.0

*Irrigation will be reduced by 19.7 acres after water right transfer approval.

Total acres 175.1*

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. Amount 1.75/441.9 for Irrigation purposes from 4/15 to 10/31
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	NE	NE	SE	15	01S	18E	BLAINE	WELL
	NE	NE	SE	15	01S	18E	BLAINE	WELL
	SE	NE	SE	15	01S	18E	BLAINE	WELL
	SE	SW	SE	15	01S	18E	BLAINE	WELL

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
01S	18E	15													32.0	5.1	28.0	39.0	104.1
01S	18E	22	15.0	25.0			26.0			5.0									71.0

*Irrigation will be reduced by 19.7 acres after water right transfer approval.

Total acres 175.1*



1 inch equals 1,100 feet

SPRING CREEK IDAHO RANCH LLC
WATER RIGHT TRANSFER - 37-2597 AND 37-2764
NAIP 2004 AERIAL PHOTO

BROCKWAY ENGINEERING, PLLC.
Z/LALR - AUG. 13, 2009

- Area to be Dried Up & POU for Permit
- SECTIONS
- 01s18e
- 37-2597_IDWR_REC_POU
- 37-2597_IDWR_REC_POD
- Area to be Dried Up for Permit



PART 3**B. CHANGES IN NATURE OF USE**

1.	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	Wildlife	0.49/128.1	24/200	4/15 to 10/31
	Aesthetics	0.49/128.1	24/200	4/15 to 10/31
	Recreation	0.49/128.1	24/200	4/15 to 10/31

2. Quantity and quality of return flows and location of discharge:

N/A.

3. Describe the effects on other water uses resulting from the proposed change:

None. See accompanying narrative.

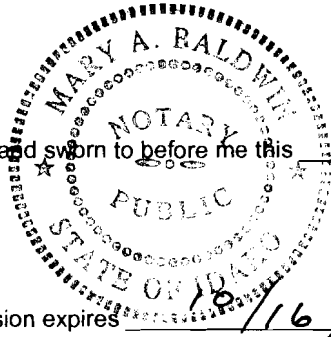
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this

13th

day of

August, 20 09.

Chas E. Brachman power of attorney
(Applicant- George Kirk, Managing Member of Sun Valley Ranch LLC)

Mary Baldwin
(Notary Public)

My commission expires

8/16/2010**FOR DEPARTMENT USE ONLY**Transfer contains 8 pages and 1 attachmentsReceived by MB Date 8/13/09

Protest filed by _____

Prelim. check by [initials] Fee \$250.00 5031042Received by [initials] Date 8/14/09

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ Approval ☐ Denial

rec'd.

by _____

Copy of transfer sent to lien holder _____