

Page 1 of 13STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 758501st **AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT**
PART 1Name of applicant Sun Valley Ranch LLC Phone 208-726-1780
Post Office address P.O. Box 4380 Ketchum, ID 83340**RECEIVED****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

AUG 13 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

2. Describe the reason for the proposed changes Applicant seeks to add beneficial uses to existing irrigation water rights 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>37-69B¹</u>	<u>10/26/1886</u>	<u>2.74/</u>	<u>Irrigation</u>	<u>4/15 to 10/31</u>
<u>37-69B²</u>	<u>10/26/1886</u>	<u>0.26/</u>	<u>W, R, J</u>	<u>4/15 to 10/31</u>
<u>37-70¹</u>	<u>05/15/1887</u>	<u>1.83/</u>	<u>Irrigation</u>	<u>4/15 to 10/31</u>
<u>37-70²</u>	<u>05/15/1887</u>	<u>0.17/</u>	<u>W, R, J</u>	<u>4/15 to 10/31</u>
<u>37-71B¹</u>	<u>05/01/1892</u>	<u>0.46/</u>	<u>Irrigation</u>	<u>4/15 to 10/31</u>
<u>37-71B²</u>	<u>05/01/1892</u>	<u>0.04/</u>	<u>W, R, J</u>	<u>4/15 to 10/31</u>

2. Total amount of water being transferred 5.50 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Big Wood River tributary to Malad River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	NE	SW	NE	10	01S	18E	BLAINE	FLOOD #64

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	10									W, R, J	W, R, J	W, R, J	W, R, J					
01s	18E	15						W, R, J	W, R, J										
01s	18E	16	W, R, J		W, R, J														
01s	18E	10									19.0	40.0	39.0	2.2					100.2
01s	18E	15						20.0	12.0										32.0
01s	18E	16	23.0		29.0														52.0

*Irrigation within POU will decrease by 15.9 acres after transfer approval.

Total acres 184.2*

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 but the place of use will remain the same.

- 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 Sun Valley 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 2

Transfer No. 75850
 Receipt No. 503104

Current Water Right No. 37-69B

Priority Date: 10/26/1886
 Origin: Adjudication Recommendation
 Basis: Decreed
 Status: Active

Source: BIG WOOD RIVER **Tributary to:** MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	3.00 CFS		
	Total Diversion	3.00 CFS		

Source and Point(s) of Diversion:

BIG WOOD RIVER NESWNE 01S 18E 10 BLAINE

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 18E 10									19.0	40.0	39.0	2.2					100.2
01S 18E 15						20.0	12.0										32.0
01S 18E 16	23.0			29.0													52.0

Total Acres: 184.2

Conditions/Remarks:

- Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
- 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.
- The rights listed below are limited to the irrigation of a combined total of 184.2 acres in a single irrigation season. Combined Right Nos.: 37-69B, 37-70 and 37-71B.

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

Current Water Right No. 37-69B

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO.

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

NONE.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO.

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/ 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	SW	NE	10	01S	18E	BLAINE	FLOOD 64

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	10									19.0	40.0	39.0	2.2					100.2
01S	18E	15						20.0	12.0										32.0
01S	18E	16	23.0		29.0														52.0

Irrigation will be reduced by 15.9 acres after water right transfer approval. Total acres 184.2

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

1. Amount 2.74/ 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	SW	NE	10	01S	18E	BLAINE	FLOOD 64

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	10									19.0	40.0	39.0	2.2					100.2
01S	18E	15						20.0	12.0										32.0
01S	18E	16	23.0		29.0														52.0

Irrigation will be reduced by 15.9 acres after water right transfer approval, total POU acreage will not change. Total acres 184.2

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2****Current Water Right No.** 37-70

Priority Date: 05/15/1887

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

Source: BIG WOOD RIVER**Tributary to:** MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	2.00 CFS		
	Total Diversion		2.00 CFS		

Source and Point(s) of Diversion:

BIG WOOD RIVER NESWNE 01S 18E 10 BLAINE

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	18E	10																100.2	
01S	18E	15																32.0	
01S	18E	16	23.0															52.0	

Total Acres: 184.2

Conditions/Remarks:

1. 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.
2. The rights listed below are limited to the irrigation of a combined total of 184.2 acres in a single irrigation season. Combined Right Nos.: 37-69B, 37-70 and 37-71B.
3. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

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

Transfer No. 75850
Receipt No. 503104/

Current Water Right No. 37-70

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO.

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

NONE.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO.

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(if the entire right is to be changed by the applicant, omit B and C)

1. Amount 0.17/ 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	SW	NE	10	01S	18E	BLAINE	FLOOD 64

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	10									19.0	40.0	39.0	2.2					100.2
01S	18E	15						20.0	12.0										32.0
01S	18E	16	23.0		29.0														52.0

*Irrigation will be reduced by 15.9 acres after water right transfer approval.

Total acres 184.2*

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

1. Amount 1.83/ 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	SW	NE	10	01S	18E	BLAINE	FLOOD 64

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	10									19.0	40.0	39.0	2.2					100.2
01S	18E	15						20.0	12.0										32.0
01S	18E	16	23.0		29.0														52.0

*Irrigation will be reduced by 15.9 acres after water right transfer approval, total POU acreage will not change.

Total acres 184.2*

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

Receipt No. 5031041

Current Water Right No. 37-71B

Priority Date: 05/01/1892

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

Source: BIG WOOD RIVER

Tributary to: MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	0.50 CFS		
	Total Diversion	0.50 CFS		

Source and Point(s) of Diversion:

BIG WOOD RIVER NESWNE 01S 18E 10 BLAINE

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 18E 10									19.0	40.0	39.0	2.2					100.2
01S 18E 15						20.0	12.0										32.0
01S 18E 16	23.0			29.0													52.0

Total Acres: 184.2

Conditions/Remarks:

1. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. The rights listed below are limited to the irrigation of a combined total of 184.2 acres in a single irrigation season. Combined Right Nos.: 37-69B, 37-70 and 37-71B.
3. 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.
4. This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.

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

Current Water Right No. 37-71B

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO.

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

NONE.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO.

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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 0.04/ 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	SW	NE	10	01S	18E	BLAINE	FLOOD 64

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	10									19.0	40.0	39.0	2.2					100.2
01S	18E	15						20.0	12.0										32.0
01S	18E	16	23.0		29.0														52.0

*Irrigation will be reduced by 15.9 acres after water right transfer approval.

Total acres 184.2*

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

1. Amount 0.46/ 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	SW	NE	10	01S	18E	BLAINE	FLOOD 64

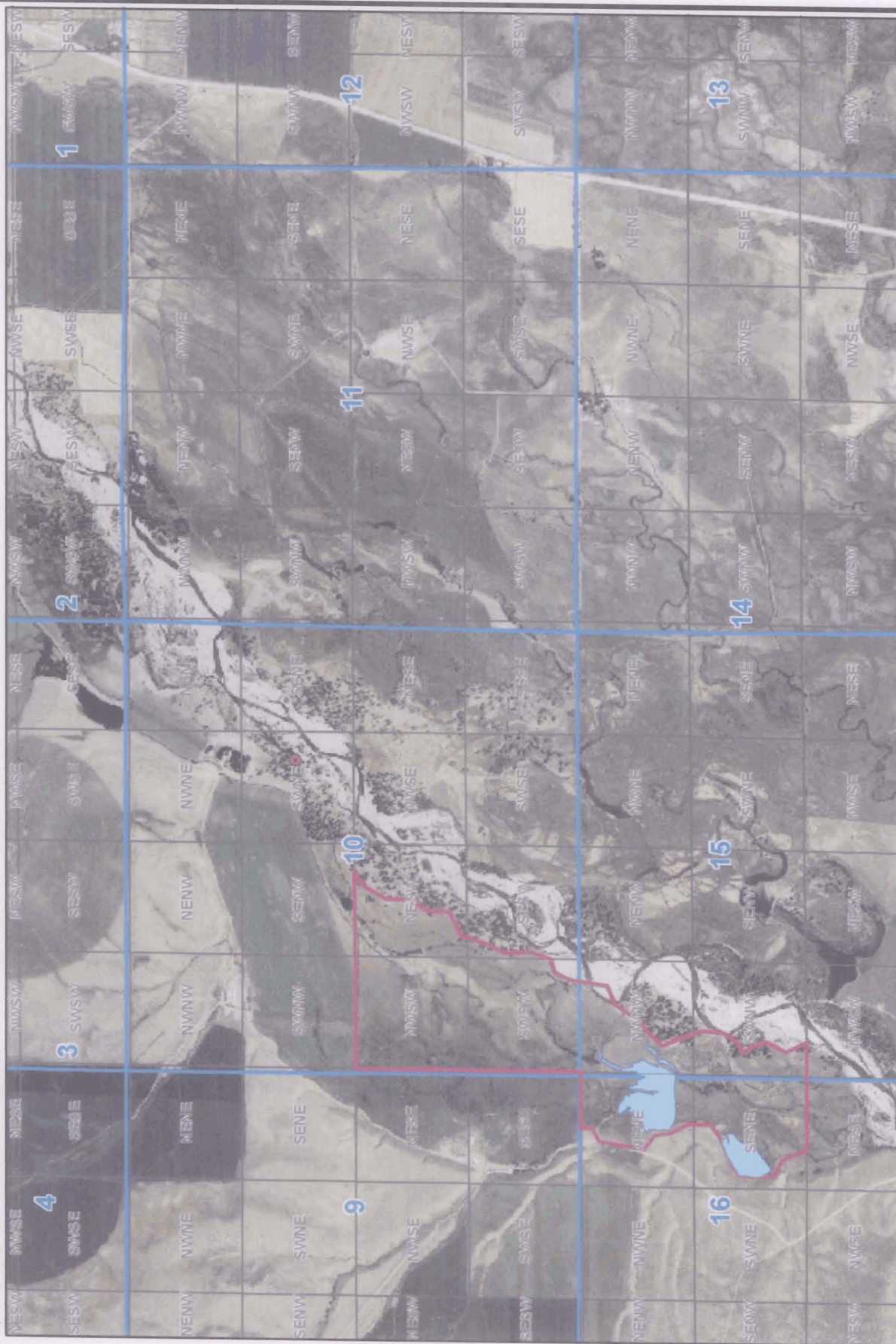
3. Lands irrigated or place of use:

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	10									19.0	40.0	39.0	2.2					100.2
01S	18E	15						20.0	12.0										32.0
01S	18E	16	23.0		29.0														52.0

*Irrigation will be reduced by 15.9 acres after water right transfer approval, total POU acreage will not change.

Total acres 184.2*

F:\Projects\Sun Valley Ranch\AerialView 9Permit & Transfers\Transfer #3 Surface Water & New Permit Storage Areas.mxd



1 inch equals 1,600 feet

Legend

- Area to be Dried Up & POU for Permit
- Rec. POU for 37-69B, 37-70, 37-71B
- Sections
- D's 18e
- Points of Diversion

SUN VALLEY RANCH- 37-69B, 37-70, 37-71B
TRANSFER #3 - WEST SIDE S.W. NEW PERMIT STORAGE AREAS
T.01S R.18E SEC. 15 AND 16
2006 NAIP AERIAL PHOTO

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	0.47 cfs	24/200/	4/15 to 10/31
	Aesthetics	0.47 cfs	24/200/	4/15 to 10/31
	Recreation	0.47 cfs	24/2008/	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

13thday of August, 20 09.

My commission expires

10/16/2010

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

Mary Baldwin
(Notary Public)

FOR DEPARTMENT USE ONLYTransfer contains 13 pages and 2 attachmentsReceived by MB Date 8/13/09 Protest filed by _____Prelim. check by JB Fee \$250.00 SD31041Receipted by JB 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 _____

SUN VALLEY RANCH LLC**WEST SIDE SURFACE WATER TRANSFER CALCULATIONS**

BROCKWAY ENGINEERING PLLC

8/6/2009

ACRES TO BE DRIED UP FOR NEW PERMIT =**15.9 Acres****TOTAL COMBINED ACRES =****184.2 Acres****PERCENTAGE OF ACRES TO BE DRIED UP FOR NEW PERMIT =****8.6%****Existing Water Rights:**

RIGHT #	37-69B	37-70	37-71B
SOURCE	SURFACE WATER	SURFACE WATER	SURFACE WATER
CURRENT OWNER	SUN VALLEY RANCH LLC	SUN VALLEY RANCH LLC	SUN VALLEY RANCH LLC
PRIORITY DATE	10/26/1886	5/15/1887	5/1/1892
BASIS	DECREED	DECREED	DECREED
USE	IRRIGATION	IRRIGATION	IRRIGATION
Diversion Rate	3.00 CFS	2.00 CFS	0.50 CFS
Combined Diversion LIMIT	N/A	N/A	N/A
Total Diversion LIMIT	3.00 CFS	2.00 CFS	0.50 CFS
Acre LIMIT	184 Acres	184.2 Acres	40.0 Acres
Combined Acre LIMIT	184.2 Acres		
Combined Acre LIMIT	184.2 Acres		

Portions of Water Rights No Longer Irrigated:

RIGHT #	37-69B	37-70	37-71B
SOURCE	SURFACE WATER	SURFACE WATER	SURFACE WATER
CURRENT OWNER	SUN VALLEY RANCH LLC	SUN VALLEY RANCH LLC	SUN VALLEY RANCH LLC
PRIORITY DATE	10/26/1886	5/15/1887	5/1/1892
BASIS	DECREED	DECREED	DECREED
USE	IRRIGATION	IRRIGATION	IRRIGATION
Diversion Rate	0.26 CFS	0.17 CFS	0.04 CFS
Combined Diversion LIMIT	N/A		
Total Diversion LIMIT	0.26 CFS	0.17 CFS	0.04 CFS
Acre LIMIT	15.93 Acres	15.93 Acres	3.46 Acres
Combined Acre LIMIT	15.9 Acres		
Combined Acre LIMIT	15.9 Acres		

Remaining Irrigation Water Rights

RIGHT #	37-69B	37-70	37-71B
SOURCE	SURFACE WATER	SURFACE WATER	SURFACE WATER
CURRENT OWNER	SUN VALLEY RANCH LLC	SUN VALLEY RANCH LLC	SUN VALLEY RANCH LLC
PRIORITY DATE	10/26/1886	5/15/1887	5/1/1892
BASIS	DECREED	DECREED	DECREED
USE	IRRIGATION	IRRIGATION	IRRIGATION
Remaining Diversion Rate	2.74 CFS	1.83 CFS	0.46 CFS
Combined Diversion LIMIT	N/A	N/A	N/A
Remaining Total Diversion Rate	2.74 CFS	1.83 CFS	0.46 CFS
Remaining Acre Limit	168.3 Acres	168.3 Acres	36.5 Acres
Combined Acre LIMIT	168.3 Acres		
Combined Acre LIMIT	168.3 Acres		