

DEPARTMENT OF WATER RESOURCES

75471

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources

Name of Applicant(s) Caribou Land, LLC

Phone 480-368-5205

Mailing address 14400 N. 76th Place, Scottsdale, AZ 85260

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 Phyllis Lamken

Phone 208-313-7641

Mailing address P.O. Box 586, Victor, ID 83455

Email flip@tetonvalley.net

- ☐ 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

Print Name and Title if applicable

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. Currently, has pending application for joint permit for restoration of stream and creation of additional wetlands. This stream restoration and wetlands will enhance the fish and animal habitat, improve riparian and wetland habitat.**

75471

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 ☐ ☒	24-10700	.12 CFS	fire protection	01/01 to 12/31	Grouse Creek
☐ ☒	24-10700	.15 CFS	fish and animal habitat	01/01 to 12/31	Grouse Creek
☐ ☒	24-10700	.27 CFS	irrigation	6/15 to 09/01	Grouse Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .55 cfs and/or ac-ft

2. Total amount of water proposed to be transferred or changed .27 CFS 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 #
		SE	SE	NW	8	5S	46E	Caribou	Grouse Creek	
		NE	NE	SW	8	5S	46E	Caribou	Grouse 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	
5S	46E	8							4.0	10.0									14

Total Acres (for irrigation use) 14

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: Wetlands and fish pond are part of the stream.

- b. Who owns the property at the point(s) of diversion? applicant

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

- 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: 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.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: _____
Land is no longer farmed. It has been subdivided.

- 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: W/A

- 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
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APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer 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**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

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 rights(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 water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.: _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

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

Fee Paid _____ Date _____ Received by _____ Receipt # _____

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

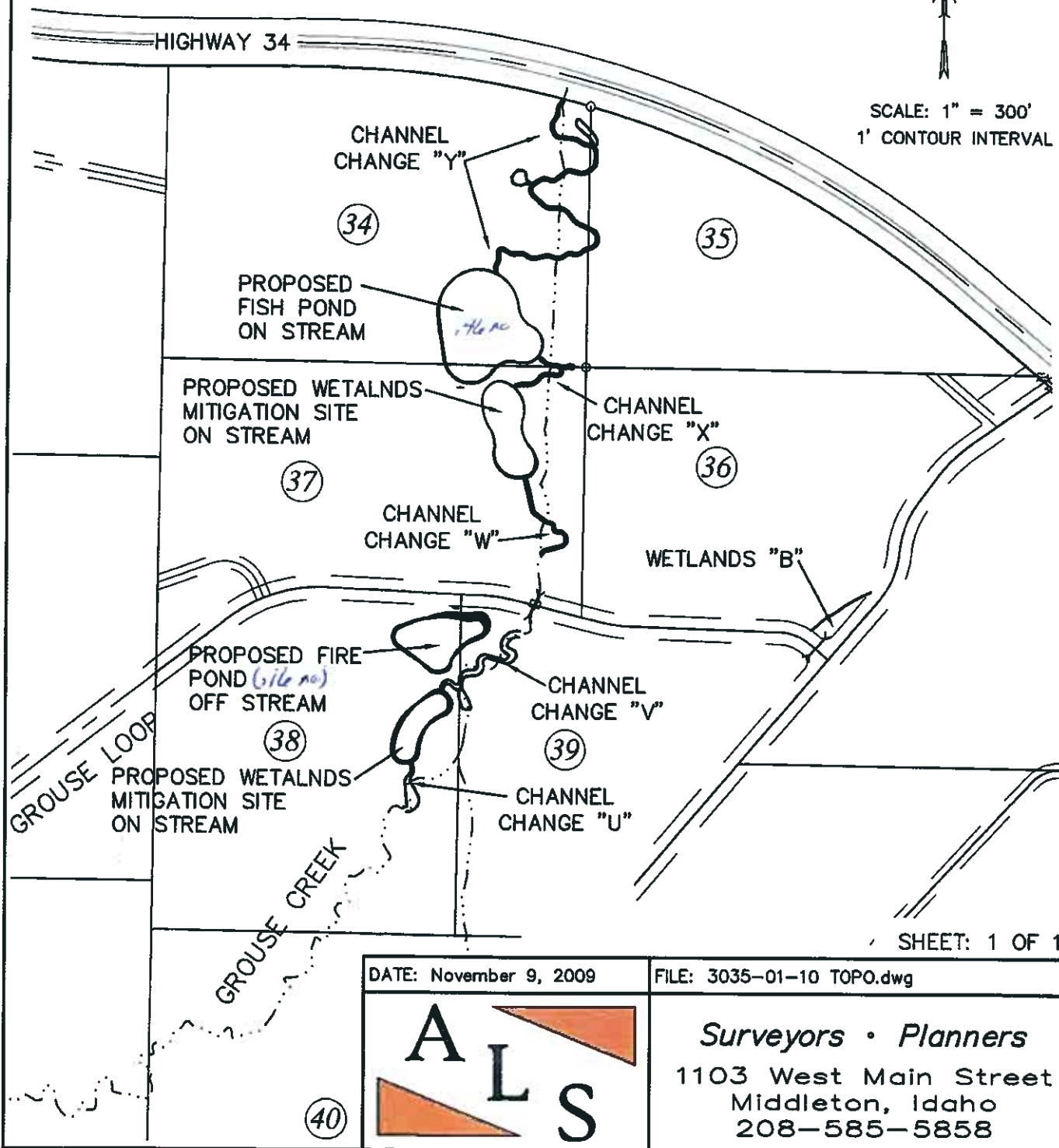
75 471

ATTACHMENT "D" SITE LAYOUT OF GROUSE CREEK PROPOSED ALIGNMENT

Portions of Grouse Creek Subdivision, lying in
Section 8, Township 5 S., Range 46 E. of the
Boise Meridian, Caribou County, Idaho
2009



SCALE: 1" = 300'
1' CONTOUR INTERVAL



DATE: November 9, 2009

FILE: 3035-01-10 TOPO.dwg

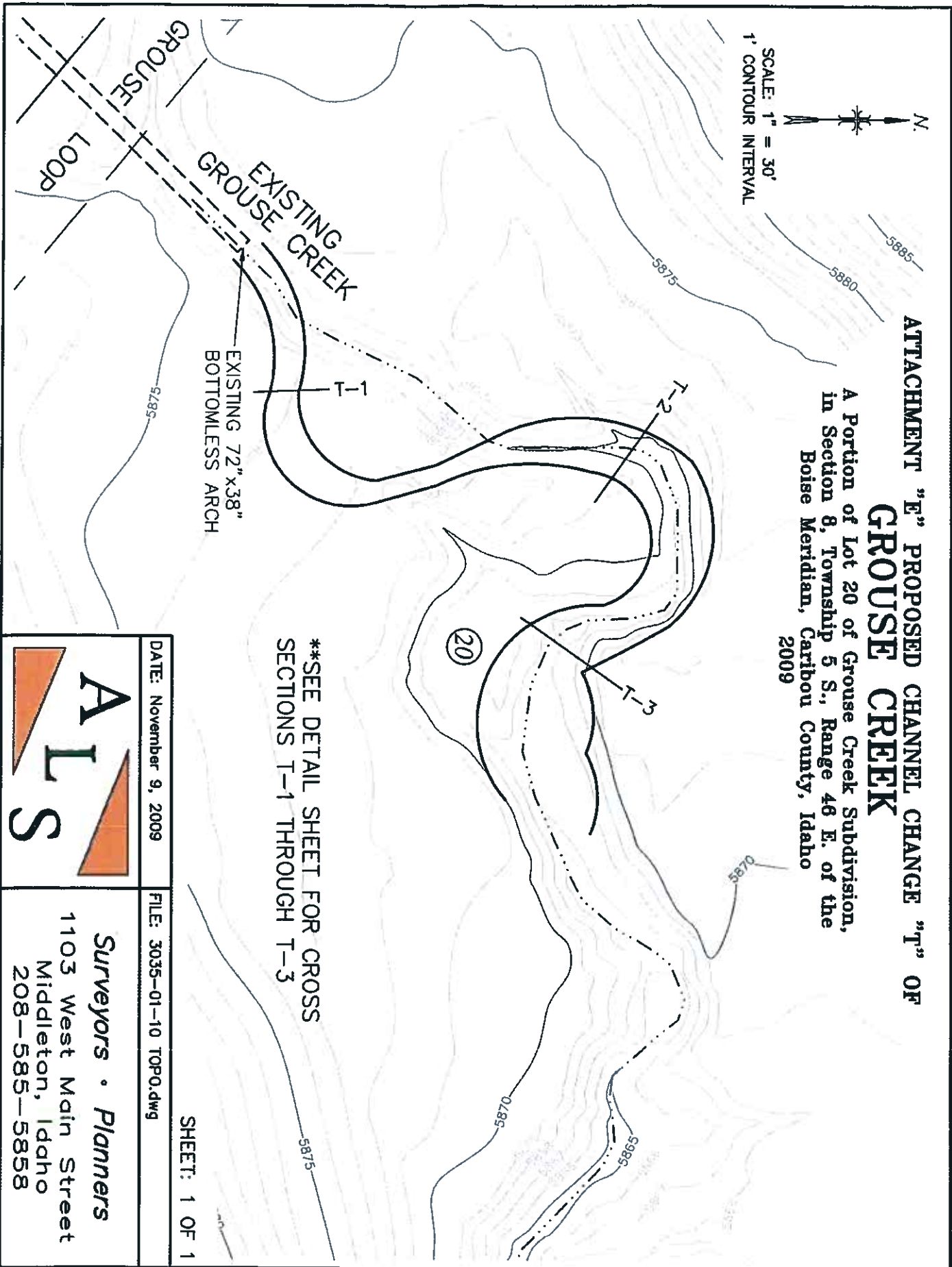


Surveyors • Planners
1103 West Main Street
Middleton, Idaho
208-585-5858

ATTACHMENT "E" PROPOSED CHANNEL CHANGE "T" OF GROUSE CREEK

A Portion of Lot 20 of Grouse Creek Subdivision,
in Section 8, Township 5 S., Range 46 E. of the
Boise Meridian, Caribou County, Idaho
2009

SCALE: 1" = 30'
1' CONTOUR INTERVAL



**SEE DETAIL SHEET FOR CROSS
SECTIONS T-1 THROUGH T-3

SHEET: 1 OF 1

DATE: November 9, 2009

FILE: 3035-01-10 TOP0.dwg



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ATTACHMENT "F" PROPOSED CHANNEL CHANGE "U" OF GROUSE CREEK

A Portion of Lot 38 of Grouse Creek Subdivision,
in Section 8, Township 5 S., Range 46 E. of the
Boise Meridian, Caribou County, Idaho

2009

PROPOSED WETLAND
MITIGATION SITE
ON STREAM

REMOVE

U-2

(38)

U-1

EXISTING
GROUSE CREEK

(39)



SCALE: 1" = 30'
1' CONTOUR INTERVAL

**SEE DETAIL SHEET FOR CROSS
SECTIONS U-1 THROUGH U-2

SHEET: 1 OF 1

DATE: November 9, 2009

FILE: 3035-01-10 TOPO.dwg



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ATTACHMENT "G" PROPOSED CHANNEL CHANGE "V" OF GROUSE CREEK

A Portion of Lots 38 and 39 of Grouse Creek Subdivision,
in Section 8, Township 5 S., Range 46 E. of the
Boise Meridian, Caribou County, Idaho
2009

GROUSE LOOP

EXISTING 72" x 38"
BOTTOMLESS ARCH

PROPOSED FIRE POND
OFF STREAM

V-7

V-6

V-5

V-4

V-3

V-2

V-1

38

39

SLOUGH

EXISTING
GROUSE CREEK

PROPOSED WETLANDS
MITIGATION SITE
ON STREAM



SCALE: 1" = 30'
1' CONTOUR INTERVAL

SHEET: 1 OF 1

DATE: November 9, 2009

FILE: 3035-01-10 TOPO.dwg



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Middleton, Idaho
208-585-5858

ATTACHMENT "H" PROPOSED CHANNEL CHANGE "W" OF GROUSE CREEK

A Portion of Lot 37 of Grouse Creek Subdivision, lying in the SE1/4 SW1/4 of Section 8, Township 5 S., Range 46 E. of the Boise Meridian, Caribou County, Idaho
2009

PROPOSED WETLAND
MITIGATION SITE
ON STREAM

EXISTING
GROUSE CREEK

W-1

W-2

W-6

**SEE DETAIL SHEET FOR CROSS
SECTIONS W-1 THROUGH W-6

N00°43'41"E 523.92'

SHEET: 1 OF 1

36

DATE: November 9, 2009

FILE: 3035-01-10 TOPO.dwg



SCALE: 1" = 30'
1' CONTOUR INTERVAL



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ATTACHMENT "I" PROPOSED CHANNEL CHANGE "X" OF GROUSE CREEK

A Portion of Lots 34 and 37 of Grouse Creek Subdivision, lying in the SE1/4 SW1/4 of Section 8, Township 5 S., Range 46 E. of the Boise Meridian, Caribou County, Idaho

2009

SCALE: 1" = 30'
1' CONTOUR INTERVAL

PROPOSED WETLAND
MITIGATION SITE
ON STREAM

PROPOSED FISH POND
ON STREAM

X-1

(37)

(34)

EXISTING GROUSE CREEK

BLOCK 2

**SEE DETAIL SHEET FOR CROSS
SECTIONS X-1 THROUGH X-5

SLOUGH

N00°43'41"E 523.92'

(36)

SHEET: 1 OF 1

DATE: November 9, 2009

FILE: 3035-01-10 TOPO.dwg

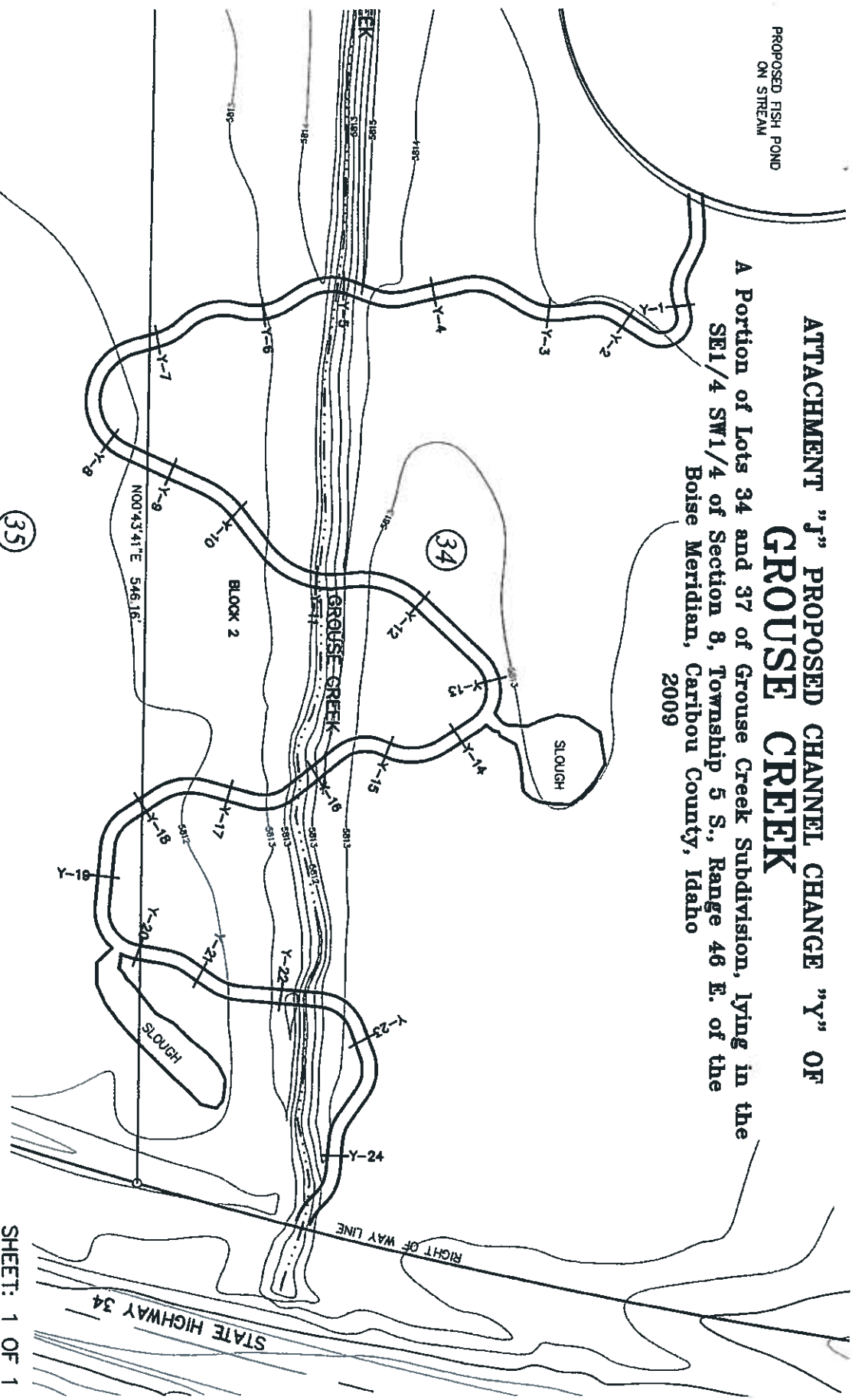


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PROPOSED FISH POND
ON STREAM

ATTACHMENT "J" PROPOSED CHANNEL CHANGE "Y" OF GROUSE CREEK

A Portion of Lots 34 and 37 of Grouse Creek Subdivision, lying in the
SE1/4 SW1/4 of Section 8, Township 5 S., Range 46 E. of the
Boise Meridian, Caribou County, Idaho
2009



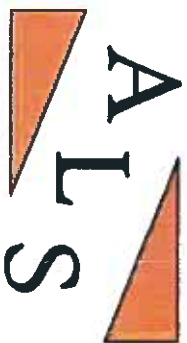
SCALE: 1" = 50'
1' CONTOUR INTERVAL

**SEE DETAIL SHEET FOR CROSS-
SECTIONS Y-1 THROUGH Y-24

DATE: November 9, 2009

FILE: 3035-01-10 TOP0.dwg

SHEET: 1 OF 1



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phyllis@americanwesthomesrealty.com

From: "Mary Holladay" <racememary@yahoo.com>
To: "Phyllis Lamken" <Phyllis@americanwesthomesrealty.com>
Cc: "Keith Miller" <keith@finalplat.com>; "Terry Holubetz" <djholubetz@gmail.com>; "Michael Holladay" <racememary@yahoo.com>
Sent: Wednesday, September 30, 2009 8:46 AM
Subject: IDWR questions/Water Rights

Attached are my comments on Mr. Harris and Mr. Haderlie's questions.

1. The fire pond was not an option. Caribou County recommended and approved the fire pond. Check with Mark Nicoll for additional information. See forwarded e-mail (forwarded separately) from Walt Neitz.
2. The flow in Grouse Creek was about 75 gpm on September 22, 2009. I do not know of any other measurements. If have not seen any evidence of any measurement devise on the creek.
3. We plan to fill approximately 700 feet of the 1000 feet north of Grouse Loop. We are planning to construct approximately 2000 feet of additional channel.
4. The two sediment basins will be made into wetlands and will be a part of the new channel alignment. The fire pond size is as follows:

Surface area 0.22 ac
 Depth of water, when full 5 feet
 Volume of storage 267,934 gallons
 Liner is PVC
 Evaporation rate in July is approximately 2 gpm

The fish pond size is as follows:

Surface area, 0.69 ac
 Depth of water is 13 feet
 Volume of storage, 1.5 M gallons
 Liner is PVC
 Evaporation rate in July is approximately 4.5 gpm

The fish pond is planned to be part of the new channel alignment.

The water that is being transferred for the fire pond will only be used to refill the ponds. The flow from the creek will only be used to fill the pond and offset the evaporation lost. The vast majority of the time the flow will be left in the creek to flow into Tin Cup Creek. The fire pond is not part of the channel alignment.

75 47 1

11/10/2009

The fish pond flow set aside to fill the pond will be left in the creek except for the amount used to offset the evaporation, after the volume used to fill the pond to begin with.

The sediment basins will not store water; the creek will flow through the basins, but will not be stored in the basins.

The temperature issue in the fish pond will be addressed by use of aeration equipment to turn the water over, raising the water near the bottom to the surface and the surface water towards the bottom. The aeration equipment will reduce or eliminate the rise in temperature due to solar heating. Fresh water flowing into the pond will help reduce the effects of solar heating.