

RECEIVED

Ident. No.

21-13113

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

AUG 24 2009

Department of Water Resources
Eastern Region

1. Name of Applicant Eagle Ridge Ranch, LLC Phone _____
Mailing Address: 2880 N. 55 W., PO Box 50305, Idaho Falls, ID 83402 Email _____
Attorney Name: Robert L. Harris, Holden, Kidwell, Hahn & Crapo, PLLC Attorney Phone: 208-523-0620
Attorney Address: PO Box 50130, Idaho Falls, ID 83405-0130 Atty Email rharris@holdenlegal.com
2. Source of water supply Blue Lake which is a tributary of Sheep Creek
2. Location of point of diversion is Township 13N Range 42E Sec. 14, in the SE 1/4, NW 1/4, SW 1/4, Govt. Lot , E.B.M., Fremont County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 2 afa for Recreation Storage purposes from 01/01 to 12/31 (both dates inclusive)
Amount 4 afa for Recreation Storage purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1.0 cfs for Diversion to Storage purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) _____ and/or (b) 6 afa
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source The water is impounded in Blue Lake on Sheep Creek and diverted via a pipeline to 2 ponds of approximately 0.45 and 1.2 acres respectively. The water is then returned to the Sheep Creek channel.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? No
 - e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. Recreation Storage.

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

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	
13N	42E	14										RS							

Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? None
11. a. Who owns the property at the point of diversion? Eagle Ridge Ranch, LLC
b. Who owns the land to be irrigated or place of use? Eagle Ridge Ranch, LLC
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Water that is impounded in Blue Lake by Jacob's Dam and is then diverted through a pipeline near the dam to a 0.45 acre and 1.2 acre ponds, respectively. The water is then returned to Sheep Creek. The ponds are depicted on the attached map in yellow (0.45 acre pond) and green (1.2 acre pond). The ponds existed when the Applicant purchased the property. The Application is being filed at the request of IDWR.
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

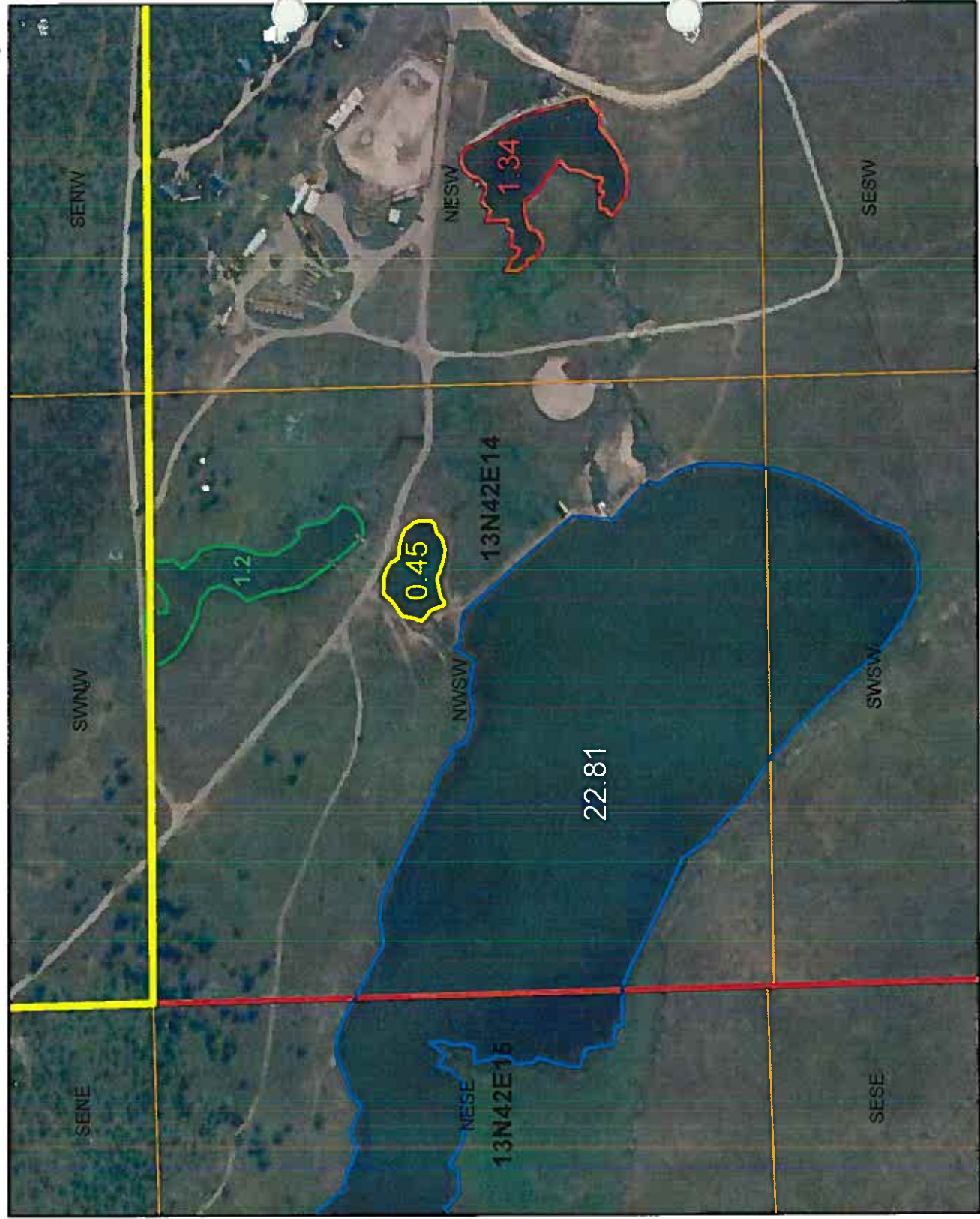
Signature of Applicant (and title, if applicable)

Print name (and title, if applicable)

For Department Use Only:

Received by _____ Date _____ Time _____ Preliminary check by 6035449
Fee \$ 100 Receipted by Blake # 6035431 Date 10/30/2009
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

EAGLE RIDGE RANCH LLC APPLICATION FOR PERMIT



Legend

- New_Blue_Lake
- ERR_Boundary
- Pond_1
- Pond_2
- Pond_3
- Section_Lines
- Quarter-quarters

Prepared by:
Robert L. Harris
2004 NAIP Aerial Photo

2 1 - 1 3 1 1 3

Pond Calculations

Climate Station: Island Park

Project Name: Eagle Ridge Ranch, .45 acre pond

	Total
Pond Loss = (P_{def}) , mm	275
Pond Surface Area (acres)	0.45
Total Pond Loss (ac-in)	4.9
Total Pond Loss (ac-ft)	0.4 ^{#4}

Enter crop type below	
Brome grass	341
Mean Irr. Requirement (ac-in/ac/yr) =	13.4
Mean Irr. Requirement (ac-ft/ac/yr) =	1.1
Acres to dry up for pond use =	0.4

#1 = $(P_{def}$ growing season, Site and Crop Specific (mm))

#2 = $[(P_{def} \text{ #4})] \div (25.4) = \text{ac-in/ac/year}$

#3 = $[(P_{def} \text{ #5})] \div (12) = \text{ac-ft/ac/year}$

#5 = $[(\text{Pond Loss Total \#4})] \div [\text{Mean Irrig. Req \#3}]$

Summary					
Original Surface Water Right	Diversion Rate (cfs)	Place of Use (acres)	cfs per acre	AF per acre (#3)	
	2	76.7	0.026	1.1	
Amount of Water Needed for Evaporation	Pond Surface Area (acres)	Acres Equivalent to Evaporation Use (#5)	cfs required	AF (#4) Required	
	0.45	0.4	0.009	0.4	
Amount of Water Needed for Pond Fill	Pond Volume (AF)	Acres Equivalent to Pond Fill	cfs required	AF Required to Fill	
	2	0	0.000	0	
Totals Needed for Transfer	For Evaporation	For Pond Fill	Sum		
	cfs	0.01	0.00	0.01	
	AF	0.4	0	0.4	
	acres	0.4	0.0	0.4	

Pond Calculations

Climate Station: Island Park

Project Name: Eagle Ridge Ranch, .1.2 acre pond

Total	
Pond Loss = (P _{def}), mm	275
Pond Surface Area (acres)	1.2
Total Pond Loss (ac-in)	13.0
Total Pond Loss (ac-ft)	1.1 #4

Enter crop type below	
Brome grass	341
Mean Irr. Requirement (ac-in/ac/yr) =	13.4
Mean Irr. Requirement (ac-ft/ac/yr) =	1.1
Acres to dry up for pond use =	1.0

#1 = (P_{def} growing season, Site and Crop Specific (mm))

#2 = [(P_{def} (#4)) ÷ (25.4) = ac-in/ac/year]

#3 = [(P_{def} (#5)) ÷ (12) = ac-ft/ac/year]

#5 = [(Pond Loss Total (#4)) ÷ [Mean Irrig. Req (#3)]]

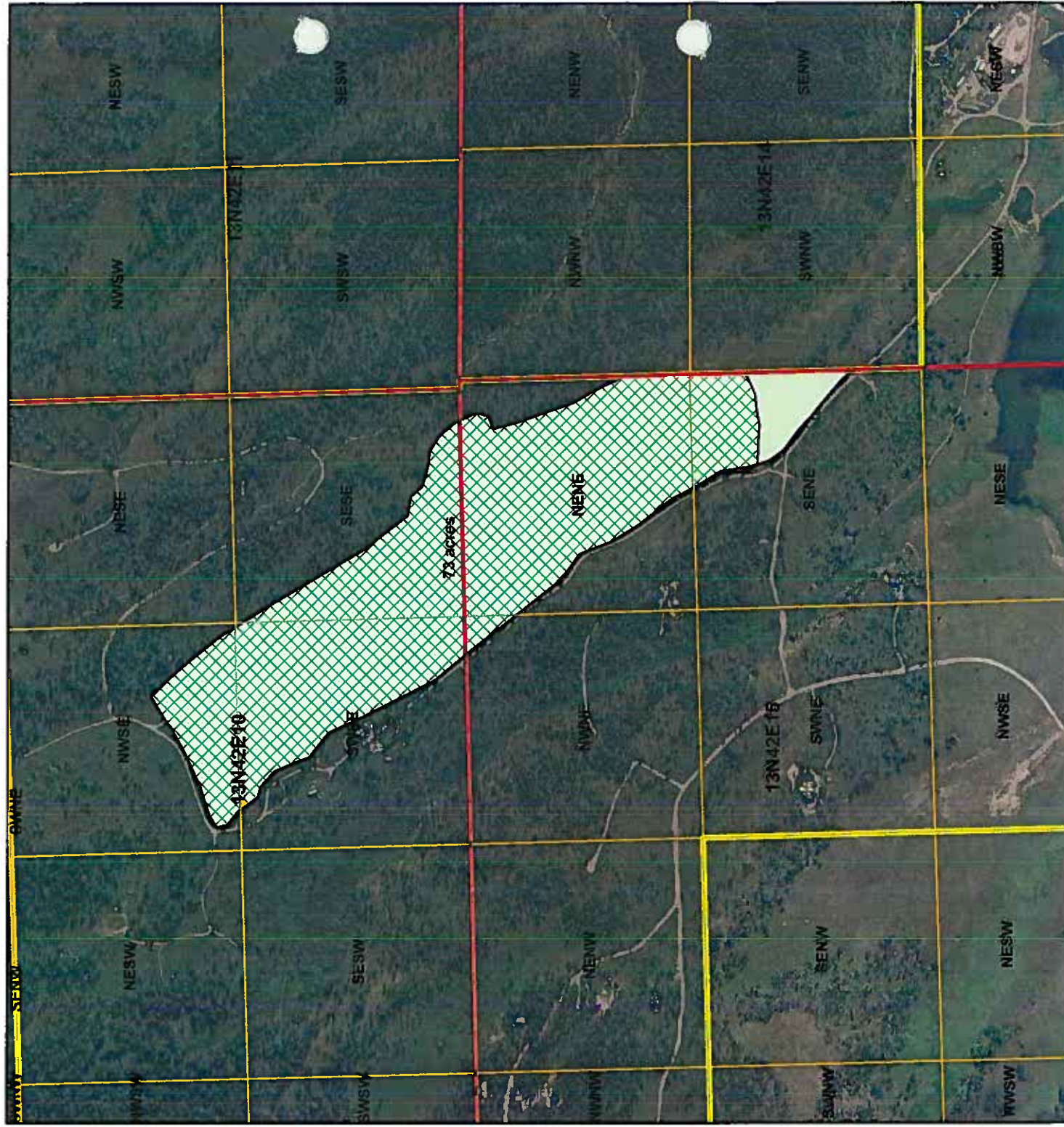
Summary					
Original Surface Water Right	Diversion Rate (cfs)	Place of Use (acres)	cfs per acre	AF per acre (#3)	
	2	76.7	0.026	1.1	
Amount of Water Needed for Evaporation	Pond Surface Area (acres)	Acres Equivalent to Evaporation Use (#5)	cfs required	AF (#4) Required	
	1.2	1.0	0.025	1.1	
Amount of Water Needed for Pond Fill	Pond Volume (AF)	Acres Equivalent to Pond Fill	cfs required	AF Required to Fill	
	4	0	0.000	0	
Totals Needed for Transfer	For Evaporation	For Pond Fill	Sum		
	cfs	0.03	0.00	0.03	
	AF	1.1	0	1.1	
	acres	1.0	0.0	1.0	

Eagle Ridge Ranch WR 21-4126 Revised POU



Legend

- Section Lines
- Quarter Quarters
- ERR_Boundary
- WR 21-4126 Revised POU
- WR 21-4126 Old POU



21-13113

2004 NAIP Photo

Overlap Analysis

Type	WR #	Owner	Source	TRS	NWSW Total	
Right	21 2024	WILLIAM S	SHEEP CF 13N42E14		20	20
Right	21 4140	WILLIAM C	BLUE LAK 13N42E14 X			0
Claim	21 4140	EAGLE RII	BLUE LAK 13N42E14 X			0
Claim	21 4140	EAGLE RII	BLUE LAK 13N42E14 X			0
Claim	21 4140	EAGLE RII	BLUE LAK 13N42E14 X			0
Claim	21 13064	EAGLE RII	SHEEP CF 13N42E14 X			0
Claim	21 2024	EAGLE RII	SHEEP CF 13N42E14	20		20
Rec	21 13063	HAROLD E	BLUE CRE 13N42E14			0
Rec	21 4140	EAGLE RII	BLUE LAK 13N42E14 X			0
Rec	21 4140	EAGLE RII	BLUE LAK 13N42E14 X			0
Rec	21 4140	EAGLE RII	BLUE LAK 13N42E14 X			0
Rec	21 2024	EAGLE RII	SHEEP CF 13N42E14	10		10
App	21 13113	EAGLE RII	BLUE LAK 13N42E14 X			0
App	21 13114	EAGLE RII	SHEEP CF 13N42E14			0
App	21 13115	EAGLE RII	BLUE LAK 13N42E14 X			0



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

E-mail: rharris@holdenlegal.com

November 4, 2009

Idaho Department of Water Resources
ATTN: Blake Jordan
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

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NOV 05 2009

Department of Water Resources
Eastern Region

RE: Additional Filing Fee for Water Right No. 21-13113.

Dear Blake:

Enclosed please find an additional filing fee of \$150.00 we are filing in conjunction with Water Right No. 21-13113. As we met and discussed the application, we determined that we needed to increase the diversion to storage amount of this permit application to 1.0 cfs. We appreciate your kind assistance with this matter.

Best Regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

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Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

E-mail: rharris@holdenlegal.com

October 21, 2009

RECEIVED

OCT 22 2009

Department of Water Resources
Eastern Region

Blake Jordan
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RE: Application for Permit Filed on Behalf of Eagle Ridge Ranch, LLC

Dear Blake:

You recently returned Applications for Permit which we submitted on behalf of Eagle Ridge Ranch, LLC, stating that the applications could not be accepted because of the moratorium that was in place. When we originally submitted the applications, it was our understanding that no mitigation would be required for the ponds due to the fact that they had been in place for over 15 years and have been filled ever since that time. We now understand that we will be required to do some form of mitigation and are resubmitting our applications for permit along with spreadsheets showing our proposed mitigation plan. Enclosed are three spreadsheets. The first is for the large 22 acre pond. The amount of mitigation we have calculated for this pond is for the increase in the surface area from when the dam was raised in 1994. With the increase of the surface area of the pond of almost 3 acres, we have calculated that approximately 2.3 acres of irrigated land will need to be dried up to mitigate for this pond.

The second spreadsheet is for the 1.2 acre pond. We have calculated that we will need to dry up approximately 1 acre of irrigated land to mitigate for this pond.

The third and final spreadsheet is for the 0.45 acre pond. We have calculated that approximately 0.4 acres will need to be dried up to mitigate for this pond.

Among the Applications for Permit we submitted was one for a 1.3 acre pond. We have not submitted a mitigation plan for this pond since it is built in a wetland area. It is our understanding that the Department's policy is that ponds filled in a wetland do not require mitigation. This pond, like the others, was filled over 15 years ago before our client purchased the property. Therefore, we are not submitting a mitigation plan for this pond.

Given these calculations, we are proposing to dry up a total of 3.7 acres of land irrigated with Water Right No. 21-4126 which recently received a partial decree. We are enclosing a GIS map showing the new proposed place of use.

If you have any questions or concerns, please let me know.

Best Regards,



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

G:\WPDATA\RLH\1129 Eagle Ridge Ranch, LLC\Blake Jordan ltr 102109.wpd:cdv



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

E-mail: rharris@holdenlegal.com

August 21, 2009

Sharla Cox
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RECEIVED

AUG 24 2009

Department of Water Resources
Eastern Region

RE: Application for Permit Filed on Behalf of Eagle Ridge Ranch, LLC for 1.34
Acre Pond.

Dear Sharla:

Enclosed for processing is an Application for Permit filed on behalf of Eagle Ridge Ranch, LLC. The application is for a water right to authorize the existence of a 1.34 acre pond which resulted from the construction of a small berm on Sheep Creek apparently in the early 1990s. The berm existed before the applicant purchased the property, and after review of aerial photography, Joe Larsen formerly of IDWR requested an Application for Permit be filed for this pond.

If you have any questions or concerns, please let me know.

Best Regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 10, 2009

EAGLE RIDGE RANCH LLC
2880 N 55 W.
PO BOX 50305
IDAHO FALLS, ID 83402

Application For Permit No. 21-13113, 21-13114, 21-13115

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the HERALD CHRONICLE on November 19 and 26, 2009. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 10, 2009

WATER DISTRICT 01
LYLE SWANK
900 N SKYLINE DR STE A
IDAHO FALLS, ID 83402-1718

RE: Application for Permit of 21-13113

Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 10, 2009

LEGAL NOTICE DEPARTMENT
HERALD CHRONICLE
PO BOX 10
REXBURG, ID 83440

RE: Application For Permit No(s): 21-13113, 21-13114, 21-13115

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before December 7, 2009. Your cooperation is appreciated.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

Cox, Sharla

From: Cox, Sharla
Sent: Tuesday, November 10, 2009 4:42 PM
To: 'legals@rexburgstandardjournal.com'
Subject: Legal Ad for your paper

Contacts: Rexburg Standard Journal
Attachments: Rexburg Standard Journal.doc



Rexburg Standard
Journal.doc (...)

Sharla

Sharla Cox
Administrative Assistant
Idaho Department of Water Resources
900 N. Skyline Dr. Ste. A
Idaho Falls ID 83402
208-525-7161 - telephone
208-525-7177 - fax
sharla.cox@idwr.idaho.gov

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

EAGLE RIDGE RANCH LLC
2880 N 55 W.
PO BOX 50305
IDAHO FALLS, ID 83402

21-13113

Point of Diversion SENWSW S14 T13N R42E FREMONT County Source BLUE LAKE Tributary SHEEP CREEK
Use: RECREATION STORAGE 01/01 to 12/31 6 AF
Use: DIVERSION TO STORAGE 01/01 to 12/31 1 CFS
Total Diversion: 1 CFS 6 AF
Date Filed: 10/22/2009
Place Of Use: RECREATION STORAGE
T13N R42E S14 NWSW

21-13114

Point of Diversion SWNESW S14 T13N R42E FREMONT County Source SHEEP CREEK Tributary ISLAND PARK RESERVOIR
Use: RECREATION STORAGE 01/01 to 12/31 3 AF
Total Diversion: 3 AF
Date Filed: 10/22/2009
Place Of Use: RECREATION STORAGE
T13N R42E S14 NESW

21-13115

Point of Diversion SENWSW S14 T13N R42E FREMONT County Source BLUE LAKE Tributary SHEEP CREEK
Use: RECREATION STORAGE 01/01 to 12/31 20 AF
Total Diversion: 20 AF
Date Filed: 10/22/2009
Place Of Use: RECREATION STORAGE
T13N R42E S14 NWSW SWSW
T13N R42E S15 NESE

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-211. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before December 7, 2009. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on November 19 and 26, 2009