

MEMORANDUM

DATE: November 4, 2005

TO: Application for Permit 37-21338 and Transfer 71721

FROM: Shelley W. Keen *SWK*

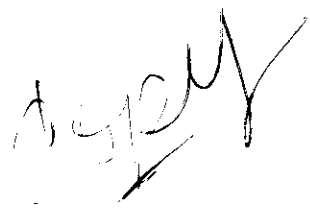
RE: Mitigation

The Valley Club, Inc., filed Transfer Application 71721 to provide mitigation for some water features that will be authorized by the issuance of Permit 31-21338. The transfer authorizes the diversion of water into the water features to offset evaporation losses from the water features. IDWR initially approved the transfer with the mitigation use described as a live flow for aesthetic and recreation purposes. After additional review, IDWR staff members decided the mitigation activity is better described as aesthetic storage and recreation storage because the water is being impounded. Therefore, IDWR is re-issuing Transfer 71721 with the mitigation uses changed to aesthetic storage and recreation storage. Under Rule 760 of IDWR's Rules of Procedure, IDWR can modify a preliminary order within 14 days of the issuance of the original preliminary order by withdrawing the original order and substituting a new one.

Also, Permit 37-21338 authorizes the holding of water in the water features, but it does not authorize the diversion of water to fill the water features unless the permit holder mitigates the depletion to the Big Wood River system. Fill water must come from some other source, such as the Water Supply Bank, or it must be mitigated by retiring irrigated acres under some other water right or some similar reduction of a consumptive water use.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71721

This is to certify that: THE VALLEY CLUB INC
PO BOX 252
SUN VALLEY ID 83353
(208)788-0997



has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-657B	AJC/Decreed	05/01/1881	2.02 cfs v	350 af	N/A	100.0	BIG WOOD RIVER

Purpose of Transfer (Changes Proposed)

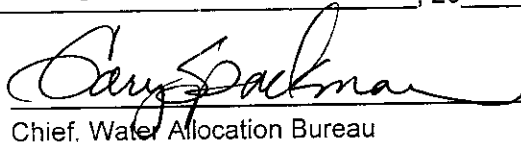
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-657B	NO	NO	YES	NO	NO	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-657B	37-657B	2.02 cfs	N/A	93.7	110.7		N/A	N/A	N/A	N/A
COMBINED TOTALS		2.02 cfs	N/A	93.7	110.7		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 24th day of October, 2005


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-657B
As Modified by Transfer No. 71721

In accordance with the approval of Transfer No. 71721, Water Right No. 37-657B is now described as follows.

Right Holder: THE VALLEY CLUB INC
 PO BOX 252
 SUN VALLEY ID 83353

Priority Date: May 01, 1881

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 11/01	1.90 CFS
RECREATION	04/01	to 11/01	0.12 CFS
AESTHETIC	04/01	to 11/01	0.12 CFS
			2.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER SWNW Sec. 20 Twp 03N Rge 18E BLAINE County

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	
03N 18E 20																19.0	19.0
03N 18E 29	38.6	5.5		29.7												17.9	91.7

Total Acres: 110.7

PLACE OF USE: RECREATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 18E 29	X			X									X				

PLACE OF USE: AESTHETIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 18E 29	X			X									X				

WATER RIGHT NO. 37-657B
As Modified by Transfer No. 71721

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
3. Recreation and Aesthetic uses under Right 37-657B authorize 13.4 af to be used for the replacement of losses caused by evaporation from the 6.3 acre total surface area of the ponds established under Right 37-21338.
4. This right is limited to the irrigation of 93.7 acres within the place of use described above in a single irrigation season.
5. Place of use is located within Parcel No. RP03N18029584FA.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
9. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 24th day of October, 2005



Chief, Water Allocation Bureau