

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 71721APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant The Valley Club Inc Phone 208-788-0997
Post Office address P.O. Box 252 Sun Valley, ID 83353

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 Create a permissible place of use (PPU) for the right to allow for the proposed golf course irrigation plan. Change in nature of use to mitigate the water features for the golf course and residential development.

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
- | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|--------------|----------|--------------------|----------------------|---------------|
| 37-657B | 5/1/1881 | 1.90 cfs | Irrigation | 4/15 to 10/15 |
| 37-657B | 5/1/1881 | 0.12 cfs | REC/AESTH Mitigation | 4/15 to 10/15 |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 2.02 cubic feet per second and/or 350 acre-feet per annum.
3. Source of water Big Wood River tributary to Malad River
4. Point(s) of Diversion: Hiawatha Canal Diversion

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SW	NW	20	03N	18E	Blaine	Hiawatha Canal

5. Lands irrigated or place of use: Permissible Place of Use = 110.7 acres X = mitigation REC/AESTH

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

PART 1

6. General Information:

- a. Description of diversion system Existing Hiawatha Canal Diversion - Pump station from canal to water system and irrigation storage pond.
- 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:
None - adjustment of POU only on existing property.
- d. Remarks:
See attached information & narrative for additional information

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 _____, 19 _____.

Page _____ of _____

Transfer No. 71721

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

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 37-657B on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☒ Tax notice☐ Warranty Deed☐ Other _____3. Source of water Big Wood River tributary to Malad River4. Date of priority 5/1/1881

5. Water is used for the following purpose:

Amount 2.02 for Irrigation purposes from 4/15 to 10/15
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.02 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SW	NW	20	03N	18E	Blaine	Hiawatha Canal

8. 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	
03N	18E	29	40	6		33									21				100

Total acres 1009. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

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 _____ for _____ purposes from _____ to _____
 (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

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	

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

Total acres _____

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

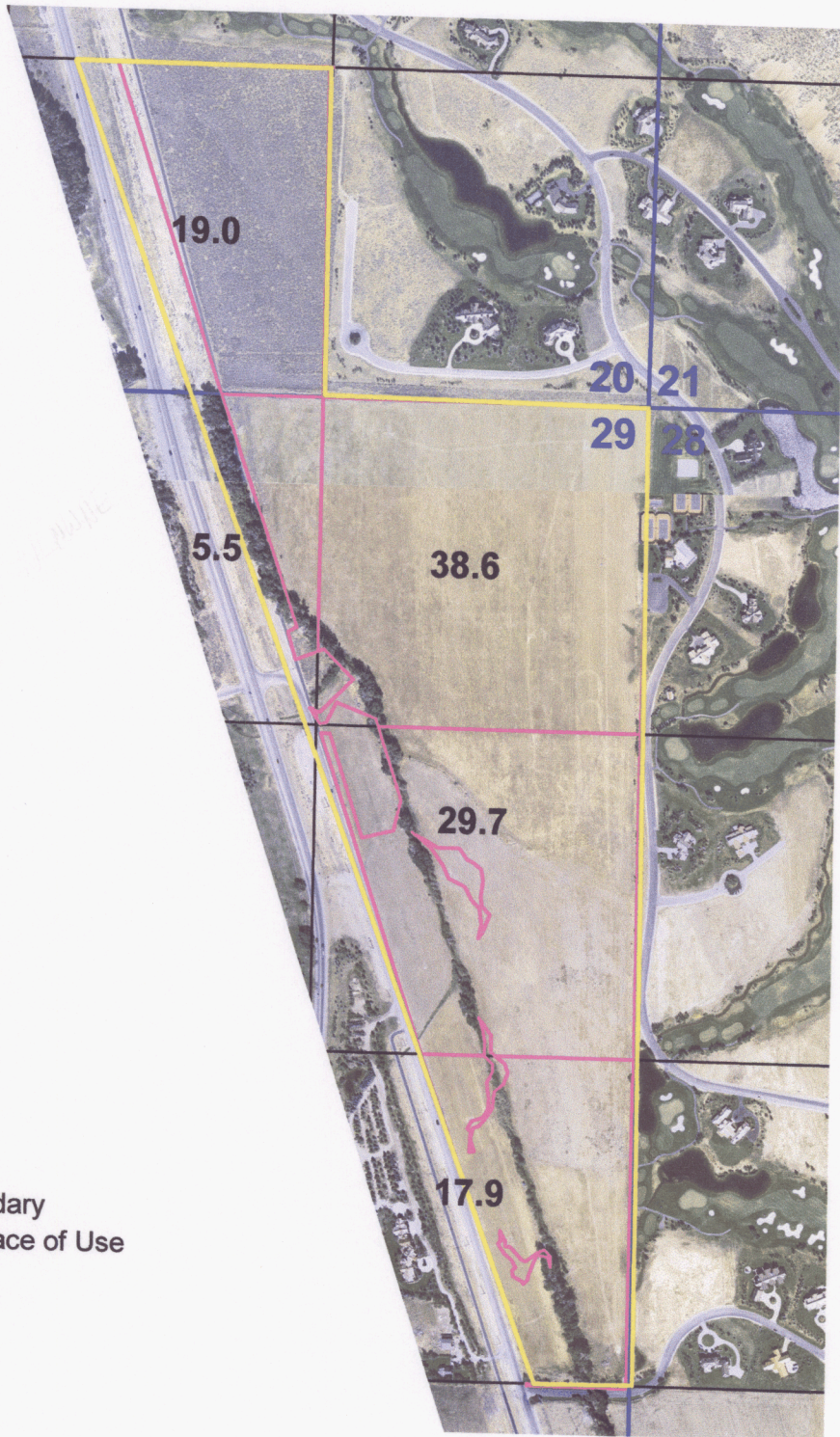
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

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	

Total acres _____



LEGEND

- Property Boundary
- Permissible Place of Use
- Section lines
- 03n 18e QQ

100 0 100 200 Feet

VALLEY CLUB WEST NINE
T. 3N. R. 18E. SEC, 20,29



BROCKWAY ENGINEERING, PLLC.
ALR AUG. 18, 2004

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

1.

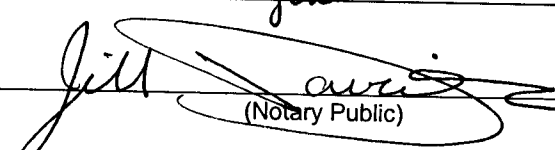
<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
<u>Consumptive Mitigation</u>	<u>0.12 cfs</u>	<u>184 days/yr</u>	<u>4/15</u> to <u>10/15</u>
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge:
No return flow to river. Periodic return flow to Hiawatha Canal system.
3. Describe the effects on other water uses resulting from the proposed change:
6.3 acres removed from original right POU to mitigate 6.3 acres of new open water area and consumptive use from open water evaporation. No net loss to system.

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.

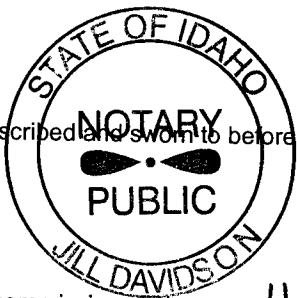
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 18TH day of August, 2004.


 (Signature of Applicant) **POWER OF ATTORNEY**


 (Notary Public)

My commission expires 11-18-2004

**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by [Signature] Date 8/19/2004 Protest filed by _____

Prelim. check by [Signature] Fee \$370.00

Receipted by [Signature] Date 8/20/2004 5026986

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 _____

Narrative in Support of Transfer Water Right #37-657B

Prepared For: The Valley Club Inc.
Prepared By: Jeffrey S. Rau – Brockway Engineering

INTENT OF TRANSFER

The proposed transfer requests the creation of a permissible place of use for an irrigation water right to allow irrigation of a new nine hole golf course to be known as The Valley Club West Nine. The water right is an irrigation water right which has historically been beneficially used for agriculture on the same parcel. The creation of the permissible place of use (PPU) for the property will allow for the irrigation plan for the new golf course. Based on the development plan for the golf course, the irrigated area of the golf course is 79.9 acres located within the permissible place of use. The remaining acres will be used for both mitigation as outlined in this transfer with the remainder transferred at a later date to other property.

The new course will have water features including lakes, streams, and a realignment of 1,850 feet of the Hiawatha Canal. The proposed transfer requests a change in the nature of use of a portion of the right to allow for mitigation of the water features.

STRUCTURE OF TRANSFER

Brockway Engineering has calculated the water surface area of the water features and offers the following analysis:

Hiawatha Canal

The development plan calls for the realignment of 1,850 feet of the Hiawatha Canal to enhance the water features of the golf course and create additional wildlife habitat. The new route and associated water features will increase the water surface area and result in a larger amount of water lost to evaporation. The canal section and water features created by the new development will be fully lined with either a natural clay liner or a PVC pond liner so seepage from this reach will not be increased. The realignment of the canal will result in a total of approximately 1.33 acres of open water in the new section. The existing canal in this same reach accounts for approximately 0.65 acres which results in a net increase of open water area of 0.68 acres. This increase of open water will be mitigated by drying up 0.70 acres of land under water right #37-657B.

Golf Course Water Features

The golf course water features include ponds and associated streams adjacent to the golf course and proposed residential area. Based on our analysis of the development plan, the proposed water features account for a total of approximately 5.6 acres of new open water area within the property. To mitigate for evaporation from these water features, a total of 5.6 acres will be dried up for mitigation in the transfer under the original water right.

Irrigation Use

The original right was decreed for 2.02 cfs (101") on a place of use of 100 acres (1.01"/ac). After the acres are removed for the Hiawatha canal mitigation and open water amenities, the balance of acres still under irrigation are 93.7 acres (100 ac – 0.7 ac – 5.6 ac = 93.7 ac). Under the proposed transfer, the creation of the PPU for the property will allow 93.7 acres of irrigation within the 110.7 acre PPU. Based on the original decree, the proportional flow amount under irrigation should be 1.90 cfs.

PROPOSED TRANSFER AMOUNTS & FLOW RATES

Hiawatha Canal Loss

As outlined in the transfer, 0.70 acres will be removed from the right and used for mitigation of the additional open water area generated by the realignment of the Hiawatha Canal. Based on the decreed right of 1.01 miners inch per acre, this equates to 0.71 miners inches or 0.01 cfs.

Open Water Mitigation

The open water features on the golf course and residential area account for 5.6 acres of open water features. This includes streams and ponds. The evaporation from these features are mitigated by removing 5.6 acres of irrigation on the water right and converting them to mitigation. Based on the decreed right of 1.01 miners inch per acre, this equates to 5.66 miners inches or 0.11 cfs. Water converted to mitigation remains consumptive in accordance with the historical use of the water right for irrigation of the crop land.

Remainder Irrigation

After the mitigation for the Hiawatha canal losses and the open water amenities, the remaining portion of the right equates to 1.90 cfs over 93.7 acres as shown on the transfer documents.

Mitigation as Consumptive Water

The proposal to mitigate for the new open water areas of the water features requires mitigation and drying up irrigation water right acres as outlined in this narrative. The applicant is reserving these rights as mitigation rights which are consumptive and should be treated accordingly in any future transfers or changes in nature of use. It is not the intent of the applicant to lose the consumptive component of this portion of the right in this transfer process.

Companion Permit Applications

As part of the transfer proceedings for this project, Valley Club Inc. is applying for a water permit which will cover the storage components of the water features as well as the recreation and aesthetic beneficial uses of the ponds and waterways.

TRANSFER CRITERIA

As structured, the proposed transfer will not cause an expansion of the consumptive use of the water and will not cause injury to the Hiawatha Canal owners.

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Barry Bevers - The Valley Club Inc, hereby nominate and appoint

Jeffrey S. Rau - Brockway Engineering as my attorney-in-fact with full authority to act for and on my behalf to undertake any and all acts or matters pertaining to water right transfers before the Idaho Department of Water Resources for the following water right transactions:

Water right transfers and splits associated with water right #37-657A and associated adjudication claim #37-657B in the name of The Valley Club Inc.

in Blaine County, Idaho. Additionally, I hereby ratify and confirm any and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the applications, and transfers above-mentioned. Further, I hereby declare that each and every application, transfer, agreement, receipt, or payment which shall be by my said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these present. This Limited Power of Attorney will become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 30 day of June 2004.

[Signature]

Signature

Signature

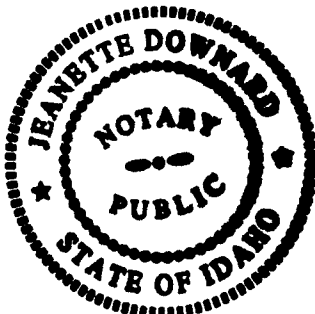
State of Idaho)

County of Blaine, Idaho) ss.

On this 30th Day of June, 2004, before me, a Notary Public in and for said County and State, personally appeared Barry Bevers, known or identified to me to be the individual whose name and subscription to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

S
E
A
L



[Signature]
Notary Public
In and for said State and County

8/08/07
My Commission Expires

LAINES COUNTY ASSESSOR
206 1ST AVE SO., SUITE 105
HAILEY, ID 83333

2004

ASSESSMENT NOTICE

& ESTIMATE OF TAX

THIS IS NOT A BILL
DO NOT PAY.

PARCEL DESCRIPTION:

FR NE & SE TH 7827
SEC 20 & 29 3N 18E

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 788-5535

PARCEL ADDRESS:

VALLEY CLUB INC

BOX 252
SUN VALLEY

ID 83353

Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 28, 2004

Tax Code Area:
9-0000

Parcel Number:
RP 03N18029584F A

ASSESSED VALUE OF YOUR PROPERTY			
CURRENT CATEGORY AND DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
1 18 IRRGTD AG OTHER LAND	117.350 AC	23,994	117,350
SUBTOTAL: LESS HOMEOWNERS EXEMPTION: NET TAXABLE PROPERTY VALUE:	117.350	23,994 23,994	117,350 117,350

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY	20.60	100.78	788-5506	09/07/2004
AMBULANCE	3.02	14.76	788-5506	09/07/2004
RECREATION	2.76	13.54	788-2117	08/19/2004
SCHOOL DIST #61	93.56	457.58	788-2296	06/08/2004
SCHOOL BOND	6.70	32.80	788-2296	06/08/2004
HAILEY CEM	2.32	11.40	788-3316	07/22/2004
RURAL FIRE	20.42	99.94	788-5577	08/25/2004
FLOOD #9	.50	2.44	788-4951	03/02/2004
SUBTOTAL: FEES:	149.88	733.24		
TOTAL PROPERTY TAXES & FEES:	149.88	733.24		

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.