

RECEIVED

JUL 20 2021

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 84224

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Name of Applicant(s) FRENCH QUARTER FARMS LLC**Check whether each item below is attached (Yes) or not applicable (N/A) for the proposed transfer.**Yes N/A *Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b 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).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b 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.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

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DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant FRENCH QUARTER FARMS LLC Phone (415) 269-5370
 Mailing Address PO BOX 9160, KETCHUM ID 83340-7140 Email peter@merlone.com

- ☐ 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 _____ Phone _____
 Mailing Address _____ Email _____

- ☐ 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.

P J M
 Signature of Applicant or Authorized Representative

Pete J. Merlone, Manager
 Print Name and Title if applicable

7/19/21
 Date

 Signature of Applicant or Authorized Representative

 Print Name and Title if applicable

 Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	37-7667	No	Yes	Yes	No	No	No

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**

Transfer will correct inaccurate POU and POD location descriptions.

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 TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-7667	14.850 cfs	10722.2 af	N/A	N/A		N/A	N/A	N/A	N/A

**COMBINED
TOTALS**

14.850 cfs	10,722.2 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
------------	-------------	-----	-----	-----	-----	-----	-----	-----

2. Total amount of water proposed to be transferred or changed 14.85 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 37-7667

Current Water Right Owner
FRENCH QUARTER
FARMS LLC
PO BOX 9160
KETCHUM, ID 83340-7140

Priority Date: 9/15/1977

Origin: Water Right

Basis: Decreed

Status Active

Source: SULLIVAN CREEK Tributary: SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
FISH PROPAGATION	01/01	12/31	14.850 CFS	10722.2 AFA	
Total Diversion			14.850 CFS	10722.2 AFA	

Source and Point(s) of Diversion:

SULLIVAN CREEK	L3(NESE)	Sec. 20 Twp 06S Rge 13E GOODING County
SULLIVAN CREEK	L3(NESE)	Sec. 20 Twp 06S Rge 13E GOODING County
SULLIVAN CREEK	NENW	Sec. 21 Twp 06S Rge 13E GOODING County
SULLIVAN CREEK	SENW	Sec. 21 Twp 06S Rge 13E GOODING County

Place of Use: FISH PROPAGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	13E	20			X										X	X			0
															L 3				
06S	13E	21					X	X		X									

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
Multiple mechanical head gates or cylindrical vertical pipes connecting to concrete or earthen fish propagation runs. Measuring devices to be installed at upper and lower ends of fish runs.
- b. Who owns the property at the point(s) of diversion?
French Quarter Farms, LLC, an Idaho limited liability company.
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?
No, ☒ 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: NONE
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:
NONE
- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
NONE
- 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:

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

Current Water Right No. 37-7667

Current Water Right Owner
FRENCH QUARTER
FARMS LLC
PO BOX 9160
KETCHUM, ID 83340-7140

Priority Date: 9/15/1977

Origin: Water Right

Basis: Decreed

Status: Active

Source: SULLIVAN CREEK Tributary: SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
FISH PROPAGATION	01/01	12/31	14.850 CFS	10722.2 AFA	
Total Diversion			14.850 CFS	10722.2 AFA	

Source and Point(s) of Diversion:

SULLIVAN CREEK	L3(NESE)	Sec. 20 Twp 06S Rge 13E GOODING County
SULLIVAN CREEK	NWNW	Sec. 21 Twp 06S Rge 13E GOODING County
SULLIVAN CREEK	SENW	Sec. 21 Twp 06S Rge 13E GOODING County
SULLIVAN CREEK	NENW	Sec. 21 Twp 06S Rge 13E GOODING County

Place of Use: FISH PROPAGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	13E	20													X				0.0
															L 3				
06S	13E	21						X											0.0

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. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☒ 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.

☐

☐ If you propose to change the nature of use or period of use of all or part of the right(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**.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation.
Label it **Attachment #8b**

-
- This image shows a single sheet of white paper with horizontal blue or grey ruling lines, typical of notebook paper. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Add'l Fee Paid _____ Date 7/2/2014 Received By _____ Receipt # _____

French Quarter Farms, LLC - Transfer #84224



Legend

-  Township/Range
  Proposed Points of Diversion
 Sections
  Proposed Places of Use
 QQ

0 0.075 0.15 0.3 Miles





0004172540

**STATE OF IDAHO**

Office of the secretary of state, Lawrence Denney

CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$100.00

For Office Use Only

-FILED-

File #: 0004172540

Date Filed: 2/11/2021 12:48:20 PM

Certificate of Organization Limited Liability Company					
Select one: Standard, Expedited or Same Day Service (see descriptions below)	Standard (filing fee \$100)				
1. Limited Liability Company Name					
Type of Limited Liability Company	Limited Liability Company				
Entity name	French Quarter Farms, LLC				
2. The complete street address of the principal office is:					
Principal Office Address	160 TELEMAR ROAD KETCHUM, ID 83340				
3. The mailing address of the principal office is:					
Mailing Address	PETER J. MERLONE PO BOX 9160 KETCHUM, ID 83340-7140				
4. Registered Agent Name and Address					
Registered Agent	PETER J. MERLONE Registered Agent Physical Address 160 TELEMAR ROAD KETCHUM, ID 83340 Mailing Address PO BOX 9160 KETCHUM, ID 83340-7140				
☒ I affirm that the registered agent appointed has consented to serve as registered agent for this entity.					
5. Governors					
<table border="1"><thead><tr><th>Name</th><th>Address</th></tr></thead><tbody><tr><td>PETER J. MERLONE</td><td>160 TELEMAR ROAD KETCHUM, ID 83340</td></tr></tbody></table>		Name	Address	PETER J. MERLONE	160 TELEMAR ROAD KETCHUM, ID 83340
Name	Address				
PETER J. MERLONE	160 TELEMAR ROAD KETCHUM, ID 83340				
Signature of Organizer:					
<u>Peter J. Merlone</u>	<u>02/11/2021</u>				
Sign Here	Date				

50084-01120 02/11/2021 12:49 PM RECEIVED BY ID SECRETARY OF STATE LAWRENCE DENNEY

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 117441

Publication	Times News		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	192.33
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	192.33
Fax			
Section	Legals	Start/End Dates	08/05/2021 - 08/12/2021
SubSection		Insertions	2
Category	50 Legal	Size	126
Ad Key	117441-1	Salesperson(s)	Jenny Green - Legals
Keywords	Transfers: 84224, 85046, 85137	Taken By	Jenny Green
Notes			

Ad Proof

✓ DM 7-30-2021

**Proof of legal notice received
from Times News 7/29/2021 (2 pgs)**

NOTICE OF PROPOSED CHANGE OF WATER RIGHT**TRANSFER NO. 84224**

FRENCH QUARTER FARMS LLC, PO BOX 9160, KETCHUM, ID 83340-7140 has filed Application No. 84224 for changes to the following water rights within GOODING County(s): Right No(s). 37-7667. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change points of diversion (POD) and the place of use (POU) for a fish propagation water right which currently diverts up to 14.85 cfs from Sullivan Creek. The proposed POU and PODs are in a general area located approximately 5.0 miles north and 1.4 miles west of the intersection of Main Street and State Street in Hagerman. The transfer reflects current conditions resulting from changes in the system that have occurred over time.

TRANSFER NO. 85046

SANDRA AGUEDA and JOE E AGUEDA, 326 E 400 N, JEROME, ID 83338 has filed Application No. 85046 for changes to the following water rights within JEROME County(s): Right No(s). 36-14860, 36-4157D. The purpose of the transfer is to change a portion of the above rights as follows: This application for transfer is being filed to add a new well as a point of diversion (POD) for two stockwater and commercial ground water rights for an existing dairy. The total diversion of up to 0.39 cfs and 48.8 af will be diverted from the new POD and the two existing PODs. The PODs and dairy site are located approximately 3.7 to 4.2 miles north and 3.0 to 3.8 miles east of the center of Jerome.

TRANSFER NO. 85137

BOX CANYON LAND HOLDINGS LLC, PO BOX 140, WENDELL, ID 83355-0140 has filed Application No. 85137 for changes to the following water rights within GOODING County(s): Right No(s). 36-10395, 36-10899, 36-2312D, 36-4151B, 36-7291D, 36-7387D, 36-7871, 36-8362, 36-8367. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes adding two points of diversion and changing the place of use for five stockwater & commercial water rights (2.25 cfs total) currently in use at an existing dairy facility, locally known as "Box Canyon Dairy", located approximately 5.0 to 5.5 miles south and 2.7 to 3.4 miles west of Wendell. Application also proposes changing the points of diversion and place of use for portions of four stockwater & commercial water rights (0.50 cfs total) to be transferred from three separate dairy facilities to the "Box Canyon Dairy" site. These three separate dairy facilities are all located within a half mile of the "Box Canyon Dairy" site. Application proposes a total of five wells, four existing wells and one proposed new well to be drilled at the "Box Canyon Dairy" site to allow for the diversion of a total combined rate of 2.75 cfs.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and the proposed transfers, please see research.idwr.idaho.gov/ppsaterights under New Transfers. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **August 23, 2021**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on August 5th & 12th, 2021

✓ DM
7-30-2021

THANK YOU for your legal submission!

Your legal has been submitted for publication. Below is a confirmation of your legal placement. You will also receive an email confirmation.

ORDER DETAILS**Order Number:****IPL0034946****Order Status:**

Submitted

Classification:

Legals & Public Notices

Package:

BOI - Legal Ads

Final Cost:

58.83

Payment Type:

Account Billed

User ID:

IPL0025232

ACCOUNT INFORMATION

IDAHO DEPT OF WATER RESOURCES / SOUTH IP
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301
208-287-4800
idwrpayable@idwr.idaho.gov
IDAHO DEPT OF WATER RESOURCES / SOUTH

TRANSACTION REPORT**Date**

July 29, 2021 3:48:17 PM EDT

Amount:

58.83

SCHEDULE FOR AD NUMBER IPL00349460

August 5, 2021

Idaho Statesman (Boise)

August 12, 2021

Idaho Statesman (Boise)

PREVIEW FOR AD NUMBER IPL00349460**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 84224**

FRENCH QUARTER FARMS LLC, PO BOX 9160, KETCHUM, ID 83340-7140 has filed Application No. 84224 for changes to the following water rights within GOODING County(s): Right No(s). 37-7667. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change points of diversion (POD) and the place of use (POU) for a fish propagation water right which currently diverts up to 14.85 cfs from Sullivan Creek. The proposed POU and PODs are in a general area located approximately 5.0 miles north and 1.4 miles west of the intersection of Main Street and State Street in Hagerman. The transfer reflects current conditions resulting from changes in the system that have occurred over time.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see research.idwr.idaho.gov/apps/waterrights/QueryNewTransfers. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before August 23, 2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

W00000000

Publication Dates

[<< Click here to print a printer friendly version >>](#)

✓ *sm 7-30-2021*
**Proof of legal notice received
from Idaho Statesman 7/29/2021**



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 30, 2021

FRENCH QUARTER FARMS LLC
PO BOX 9160
KETCHUM, ID 83340-7140

RE: Transfer No. 84224
Water Right No(s). 37-7667

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the **POST REGISTER on 8/4/2021 and 8/11/2021 and TIMES NEWS, IDAHO STATESMAN, LEWISTON TRIBUNE on 8/5/2021 and 8/12/2021**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **August 23, 2021**.

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 approval document.

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

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 30, 2021

WATER DISTRICT 130
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS, ID 83301-5858

RE: Application for Transfer No. 84224
Application for Transfer No. 85046
Application for Transfer No. 85111
Application for Transfer No. 85137

Dear Nathan:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at:
<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. 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 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,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Friday, July 30, 2021 10:51 AM
To: 'Dawson,Bradley'
Subject: Comment Letter for Transfer 84224 - French Quarter Farms
Attachments: Comment Letter to F&G for 84224.pdf; Transfer 84224 (French Quarter Farms).pdf

Good morning,

Attached is an application for transfer currently being processed by the department. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding this application, please feel free to contact Water Resource Agent Jim Bitzenburg at (208) 736-3033.

Thank you in advance,

Denise @ IDWR

Denise Maline, Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 30, 2021

IDAHO DEPT OF FISH & GAME
BRADLEY DAWSON
324 S 417 E STE 1
JEROME ID 83338-6206

RE: Transfer No(s). 84224 (French Quarter Farms LLC)
Water Right No(s).: 37-7667

Dear Fish & Game:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. *You can find a complete copy of the application(s) at:*

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days of the date of this letter.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication (**on or before August 23, 2021**).

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

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, July 29, 2021 12:55 PM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News cover letter.docx; Times News ad.docx

Attached please find **(1)** legal notice being submitted for publication on August 5th & 12th, 2021. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 29, 2021

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Transfer No. 84224
Water Right No(s). 37-7667

RE: Transfer No. 85046
Water Right No(s). 36-14860, 36-4157D

RE: Transfer No. 85137
Water Right No(s). 36-2312D, etc.

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 August 23, 2021. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84224**

FRENCH QUARTER FARMS LLC, PO BOX 9160, KETCHUM, ID 83340-7140 has filed Application No. 84224 for changes to the following water rights within GOODING County(s): Right No(s). 37-7667. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change points of diversion (POD) and the place of use (POU) for a fish propagation water right which currently diverts up to 14.85 cfs from Sullivan Creek. The proposed POU and PODs are in a general area located approximately 5.0 miles north and 1.4 miles west of the intersection of Main Street and State Street in Hagerman. The transfer reflects current conditions resulting from changes in the system that have occurred over time.

TRANSFER NO. 85046

SANDRA AGUEDA and JOE E AGUEDA, 326 E 400 N, JEROME, ID 83338 has filed Application No. 85046 for changes to the following water rights within JEROME County(s): Right No(s). 36-14860, 36-4157D. The purpose of the transfer is to change a portion of the above rights as follows: This application for transfer is being filed to add a new well as a point of diversion (POD) for two stockwater and commercial ground water rights for an existing dairy. The total diversion of up to 0.39 cfs and 48.8 af will be diverted from the new POD and/or the two existing PODs. The PODs and dairy site are located approximately 3.7 to 4.2 miles north and 3.0 to 3.8 miles east of the center of Jerome.

TRANSFER NO. 85137

BOX CANYON LAND HOLDINGS LLC, PO BOX 140, WENDELL, ID 83355-0140 has filed Application No. 85137 for changes to the following water rights within GOODING County(s): Right No(s). 36-10395, 36-10899, 36-2312D, 36-4151B, 36-7291D, 36-7387D, 36-7871, 36-8362, 36-8367. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes adding two points of diversion and changing the place of use for five stockwater & commercial water rights (2.25 cfs total) currently in use at an existing dairy facility, locally known as "Box Canyon Dairy", located approximately 5.0 to 5.5 miles south and 2.7 to 3.4 miles west of Wendell. Application also proposes changing the points of diversion and place of use for portions of four stockwater & commercial water rights (0.50 cfs total) to be transferred from three separate dairy facilities to the "Box Canyon Dairy" site. These three separate dairy facilities are all located within a half mile of the "Box Canyon Dairy" site. Application proposes a total of five wells, four existing wells and one proposed new well to be drilled at the "Box Canyon Dairy" site to allow for the diversion of a total combined rate of 2.75 cfs.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see research.idwr.idaho.gov/apps/waterrights/QueryNewTransfers. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **August 23, 2021**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on August 5th & 12th, 2021

Maline, Denise

From: Maline, Denise
Sent: Thursday, July 29, 2021 12:57 PM
To: Idaho Statesman
Subject: LEGAL NOTICE - IDAHO STATESMAN
Attachments: Idaho Statesman cover letter.docx; Transfer 84224 ad.docx

Attached please find **(1)** legal notice being submitted for publication in the Idaho Statesman on August 5th & 12th, 2021. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



Brad Little
Governor

State of Idaho

DEPARTMENT OF WATER RESOURCES

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Gary Spackman
Director

July 29, 2021

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Transfer No. 84224
Water Right No(s). 37-7667

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 August 23, 2021. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, July 29, 2021 1:01 PM
To: Post Register
Subject: LEGAL NOTICE - POST REGISTER
Attachments: Post Register cover letter.docx; Transfer 84224 ad.docx

Attached please find **(1)** legal notice being submitted for publication on August 4th & 11th, 2021. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



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Brad Little
Governor

Gary Spackman
Director

July 29, 2021

LEGAL NOTICE DEPARTMENT
POST REGISTER
PO BOX 1800
IDAHO FALLS, ID 83403-1800

RE: Transfer No. 84224
Water Right No(s). 37-7667

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 August 23, 2021. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, July 29, 2021 1:02 PM
To: Lewiston Tribune
Subject: LEGAL NOTICE
Attachments: Lewiston Tribune cover letter.docx; Transfer 84224 ad.docx

Attached please find **(1)** legal notice being submitted for publication on August 5th & 12th, 2021. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



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Brad Little
Governor

Gary Spackman
Director

July 29, 2021

LEGAL NOTICE DEPARTMENT

LEWISTON TRIBUNE

505 C ST

PO BOX 957

LEWISTON, ID 83501

RE: Transfer No. 84224

Water Right No(s). 37-7667

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 August 23, 2021. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84224**

FRENCH QUARTER FARMS LLC, PO BOX 9160, KETCHUM, ID 83340-7140 has filed Application No. 84224 for changes to the following water rights within GOODING County(s): Right No(s). 37-7667. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change points of diversion (POD) and the place of use (POU) for a fish propagation water right which currently diverts up to 14.85 cfs from Sullivan Creek. The proposed POU and PODs are in a general area located approximately 5.0 miles north and 1.4 miles west of the intersection of Main Street and State Street in Hagerman. The transfer reflects current conditions resulting from changes in the system that have occurred over time.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see research.idwr.idaho.gov/apps/waterrights/QueryNewTransfers. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **August 23, 2021**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published in Post Register on August 4th & 11th and Times News, Idaho Statesman & Lewiston Tribune on August 5th & 12th, 2021

TRANSFER SYNOPSIS

Date: July 22, 2021
To: Transfer 84224, French Quarter Farms, LLC Transfer file
From: Jim Bitzenburg
Re: Summary of transfer

Application for transfer proposes to change points of diversion (POD) and the place of use (POU) for a fish propagation water right which currently diverts up to 14.85 cfs from Sullivan Creek. The proposed POU and PODs are in a general area located approximately 5.0 miles north and 1.4 miles west of the intersection of Main Street and State Street in Hagerman. The transfer reflects current conditions resulting from changes in the system that have occurred over time.

The proposed transfer is in Water District 130 and Watermaster comments will be solicited. Because the transfer proposes changing PODs on a stream source, the transfer will be advertised and subject to public scrutiny.

FEE MEMORANDUM

Date: July 22, 2021
To: French Quarter Farms, LLC Transfer #84224 File
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

This transfer was filed on July 20, 2021 and updates the place of use (POU) and points of diversion (POD) for fish propagation right 37-7667 (14.85 cfs). Because PODs were changed to new locations and the entire flow rate could be diverted through them, it is appropriate to base the fee on the entire flow rate. In this case, from the transfer fee schedule, it equates to a fee of \$1620.00, which was paid by the applicant at the time of filing with check #103, IDWR receipt #S038717.