

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 84924

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 idwr.idaho.gov.

Name of Applicant(s) L2 LTD PARTNERSHIP

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 #1-10.

- ☐ ☒ #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 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).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #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 idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #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. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #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.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #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 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 28 2021

APPLICATION FOR TRANSFER OF WATER RIGHT Department of Water Resources
PART 1 Eastern Region

Name of Applicant(s) L2 LTD PARTNERSHIP Phone 2086040501
Mailing address 2990 North 800 East Montevue, ID 83435 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 Rocky Mountain Environmental Associates, Inc. Phone (208) 524-2353
Mailing address 482 Constitution, Suite 303, Idaho Falls, ID 83402 Email kristin.rmea@gmail.com

☐ 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.

Lewis Newman Partner
Signature of Applicant or Authorized Representative

Lewis Newman Partner
Print Name and Title if applicable

April 20, 2021
Date

[Signature]
Signature of Applicant or Authorized Representative

Lane Newman
Print Name and Title if applicable

April 20, 2021
Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use

☐ Change nature of use ☐ Change period of use ☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?

If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.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.3.**

Applicant proposes to transfer 2 acres from corners and reconfigure total place of use to more accurately represent active irrigation. All corners were irrigated within the last 5 years.

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 ☒ ☐		31-2258F	3.12	Irrigation	4/15 to 10/15	Ground Water
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	

Total authorized under rights 3.12 cfs and/or 546 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.03 cubic feet per second and/or _____ acre-feet per year.

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 #

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	
07N	33E	11	39	40	39	38													156
Total Acres (for irrigation use)																			156

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:

Water will be diverted to the POU via an existing POD. Pivot irrigation systems and measuring devices are already in use.

- b. Who owns the property at the point(s) of diversion? L2 LIMITED PARTNERSHIP

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: _____

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. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The corners proposed to be dried up will be retired from irrigation.

- f. 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:

No other water rights are the proposed or existing place of use or point of diversion, other than those included in this transfer application.

- g. 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:

3/15/2021

Water Right Report

IDAHO Department of Water Resources



WATER RIGHT REPORT

3/15/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 31-2258F

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	L2 LTD PARTNERSHIP
Current Owner	L3 LTD PARTNERSHIP
	2943 N 800 E
	MONTEVIEW, ID 83435-5069
	2086572366
Original Owner	BILL SIMMONS
Original Owner	RAY SANDERS
Original Owner	E G WRIGHT
Original Owner	O W WRIGHT
Security Interest	RABO AGRIFINANCE LLC
	14767 N OUTER 40 RD STE 400
	CHESTERFIELD, MO 63017

Priority Date: 11/23/1935

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/15	10/15	3.12 CFS	546 AFA
Total Diversion			3.12 CFS	546 AFA

Location of Point(s) of Diversion:

GROUND WATER|NWNENE|Sec. 11|Township 07N|Range 33E|JEFFERSON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

3/15/2021

Water Right Report

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07N	33E	11		NENE	38		NWNE	39		SWNE	40		SENE	39

Total Acres: 156

Conditions of Approval:

1. S41 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2. C18 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.

Dates:

Licensed Date:

Decreed Date: 02/22/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 110

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

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 any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

☐ 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**.

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:

[illegible]

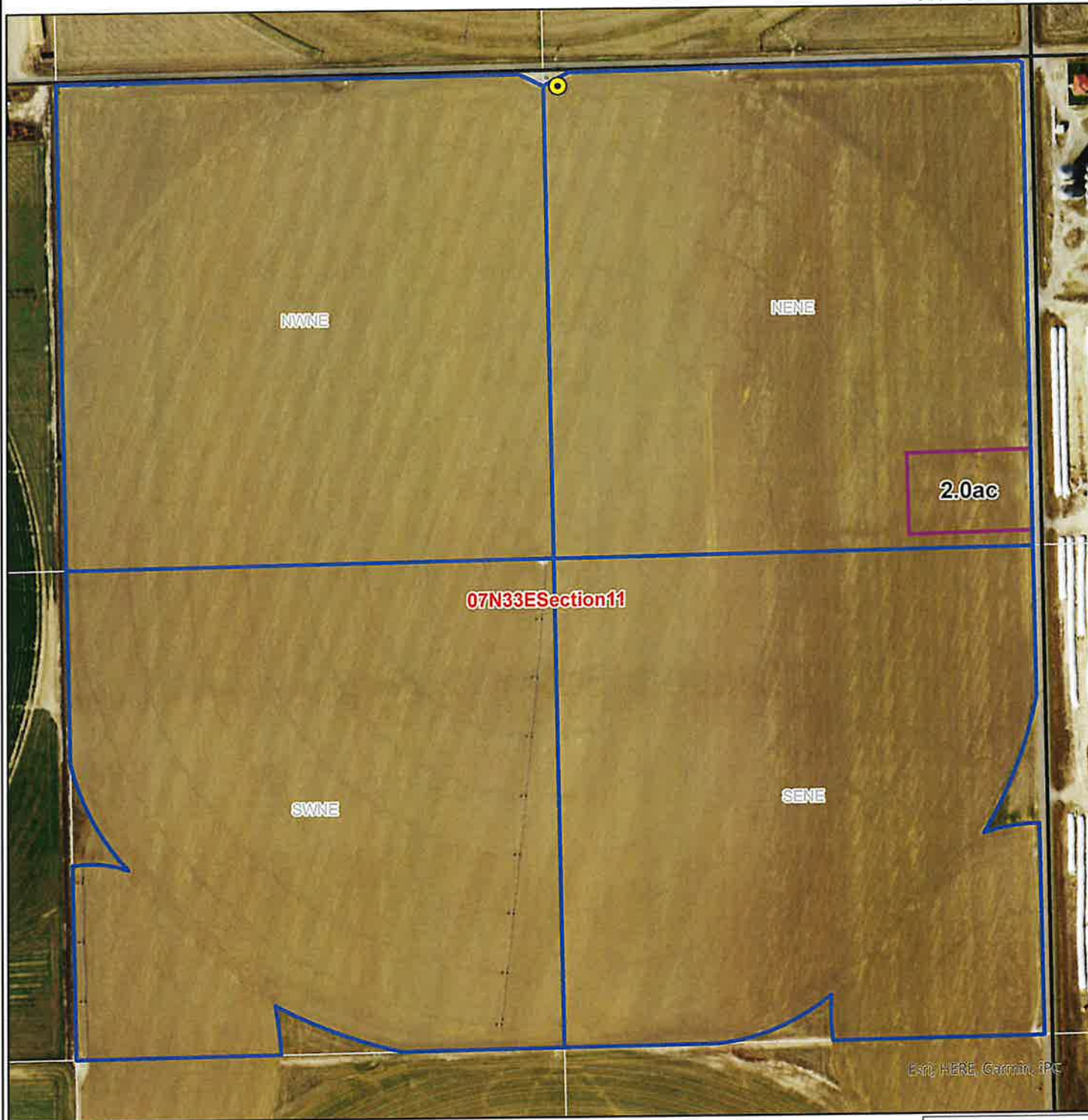
Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Received by _____ Date _____
 Fee paid \$ 200.00 (1200 check) Date 4/27/21 Received by CA ph Receipt # E046891

Add'l fee paid _____ Date _____ Receipted by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)



0 0.05 0.1 0.2 Miles

2019 NAIP

- POD
- Proposed POU
- Final Proposed POU
- Twn & Rng
- Section
- QQ



Proposed Water Right

L2 LTD Partnership

Project #: 14-0004

Drawn by: AD

Date: 3/30/2021



Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.



0 0.05 0.1 0.2 Miles

2019 NAIP

● POD

▨ Transferred Acres

□ POU WR#: 31-2258F

□ Twn & Rng

□ Section

□ QQ



Existing Water Right

L2 LTD Partnership

Project #: 14-0004

Drawn by: AD

Date: 3/23/2021



Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.



STATEMENT OF PARTNERSHIP AUTHORITY

(Instructions on back of application)

FILED EFFECTIVE

2007 APR 16 AM 8:58

The undersigned partnership hereby files a statement of partnership authority and submits the following information to the Secretary of State pursuant to Idaho Code § 53-3-303.

1. The name of the partnership is: West Side General Partnership
2. The street address of its chief executive office is: 2943 North 800 East, Montevlew, Idaho 83435
3. The street address of one (1) office in Idaho: 2943 North 800 East, Montevlew, Idaho 83435
4. The names and mailing addresses of all partners (attached sheets may be added):

Name	Address
<u>LaVar Newman</u>	<u>2941 North 800 East, Montevlew, Idaho 83435</u>
<u>Lewis Newman</u>	<u>2943 North 800 East, Montevlew, Idaho 83435</u>
<u>Lane Newman</u>	<u>78 East Highway 22 North, Montevlew, Idaho 83435</u>

OR the name and address of the registered agent in Idaho is:

5. The names of the partners authorized to execute an instrument transferring real property held in the name of the partnership:

<u>LaVar Newman</u>	_____	_____
<u>Lewis Newman</u>	_____	_____
<u>Lane Newman</u>	_____	_____

6. Signature of at least 2 partners:

- 1) LaVar Newman
Typed Name LaVar Newman
- 2) Lewis Newman
Typed Name Lewis Newman
- 3) Lane Newman
Typed Name Lane Newman

Secretary of State use only

g:\corp\forms\partnership\auth.pdf
Revised 01/2001
Web Form

IDAHO SECRETARY OF STATE
04/17/2007 05:00
CK: 25483 CT: 84469 BH: 1047533
1 @ 100.00 = 100.00 PARTN AUT # 2

K478



STATE OF IDAHO

Lawrence Denney | Secretary of State

Business Office

450 North 4th Street

PO Box 83720

Boise, ID 83720

WEST SIDE GENERAL PARTNERSHIP
2943 N 800 E
MONTEVIEW, ID 83435

April 1, 2019
Control # 3096
Expires: 5/7/2019

RE: Expiration of Statement of Partnership Authority

Pursuant to the provisions of Section §30-23-303(j), Statement of Partnership Authority of the Idaho Uniform Business Organizations Act, it has been determined that this statement of partnership authority will expire on the date noted above. Statute provides that the statement expires five (5) years after the date of filing, or the most recent amendment.

If this partnership does not want the statement to expire on the date noted above, complete the information below and mail it back to us with the \$30 filing fee prior to the expiration date.

Failure to file the amendment prior to the expiration date will result in the expiration of the statement.

The Amendment to Statement of Partnership Authority can be filed online at SOSBIZ.idaho.gov

GENERAL PARTNERSHIP

Amendment to Statement of Partnership Authority

1. The name of the general partnership as recorded with the Secretary of State is:
WEST SIDE GENERAL PARTNERSHIP
2. The Secretary of State file number for the General Partnership is: **3096**
3. This document is an amendment.
4. The purpose of this amendment is to extend the previously filed Statement of Partnership Authority with the Secretary of State for another five (5) years.

The execution of this statement constitutes an affirmation under the penalties of perjury that the undersigned have the authority to file this statement and that the contents of the statement are accurate.

Signed and dated this 18 day of April, 2019
(day) (month) (year)

Lavar Newman
Signature

LAVAR NEWMAN
Printed Name

Lance L Newman
Signature

Lance L Newman
Printed Name

Note: A document filed by a partnership must be executed by at least two partners.