

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 84613

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) Merrill Ranch Partnership 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 #1-10.

- ☒ ☐ #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 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

DEC 24 2020

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Merrill Ranch Partnership LLCPhone 208-251-8813Mailing address c/o Glen Merrill, PO Box 22, Swan Lake, IDEmail merrill@plmw.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.

Glen Merrill
Signature of Applicant or Authorized Representative

Glen Merrill - Owner
Print Name and Title if applicable

12/21/2020
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

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.O.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**.
This application proposes to rearrange the place of use for our water rights to clearly identify the 610.4 acres authorized by the rights. The application will also correct the points of diversion for all of our rights and include a point of injection for the Cottonwood Creek rights, describing where these rights are injected into Stockton Creek.

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 ☒ ☐	13-885B	1.40 cfs	Irrigation	4/20 to 9/30	Cottonwood Creek
☒ ☐	13-886B	1.05 cfs	Irrigation	4/20 to 9/30	Cottonwood Creek
☒ ☐	13-887B	0.98 cfs	Irrigation	4/20 to 9/30	Cottonwood Creek
☒ ☐	13-889D	7.00 cfs	Irrigation	4/20 to 9/30	Cottonwood Creek
☒ ☐	13-57	0.48 cfs	Irrigation	1/1 to 12/31	Stockton Creek
☐ ☐		0.02 cfs	Diversion to Storage	1/1 to 12/31	Stockton Creek
☐ ☐		13.6 af	Aesthetic Storage	1/1 to 12/31	Stockton Creek
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 10.93 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 3.44 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 #
			SE	NW	6	13S	39E	Bannock	Stockton Creek	Merrill Diversion
			SE	SE	8	12S	39E	Bannock	Cottonwood Creek	Treasureton Canal
			SW	NE	33	12S	39E	Bannock	Cottonwood Creek	Pt. of Inj. into Stockton
			SE	NW	6	13S	39E	Bannock	Cottonwood Creek	Merrill Diversion
										(Pt. of Re-div)

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	
			See	attac	hed	POU	supp	leme	nt.										
Total Acres (for irrigation use)																			610.4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or well/diversion tag #
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	38E	11				3.0									5.5			9.5	18.0
		12	7.5	1.5	14	17			2.5		27	22	37	36	3.0	31	17		215.5
		13		14			22	30	33	8.5		15							122.5
		14	32	24	33	30	2.5	4.2	2.2	5.0	5.5				35	19			192.4
		14						17	4.0										21.0
								L3	L2										
13S	39E	6											7.0						7.0
													L7						
		7						26	8.0										34.0
								L1	L2										

**If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application.

Page _____

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:

Diversions on Cottonwood Creek and Stockton Creek are already measured and regulated by watermaster for Water District 13M. Diversions are equipped with measuring devices.

- b. Who owns the property at the point(s) of diversion? N/A Historical points of diversion.

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: Points of diversion are not changing. All of our current points of diversion contain errors. Transfer will correct errors and include the site where water from Cottonwood Creek is injected into Stockton Creek.

- 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: N/A Irrigated acres are not being moved off of property.

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: Water right 13-57 from Stockton Creek authorizes 168.4 acres of irrigation. Cottonwood Creek rights authorize an additional 442 irrigated acres. Rights are being combined on a 610.4-acre irrigation place of use. All other acres on the farm will remain dry.

- 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: Water rights 13-885A, 13-886A, 13-887A, 13-889C, 13-875, 13-876 and 13-2303 are diverted from Cottonwood Creek through the same pipeline as our rights. Watermaster for Water District 13M regulates the shared point of diversion. No other water rights at Stockton Creek point of diversion or on irrigation place of use.

- 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:

We generally divert all of the water available under our rights for irrigation. Water district records confirm consistent diversion and use of the full extent of our rights. In dry years, our largest water right (13-889D, 7.00 cfs) gets curtailed and we have to concentrate our senior rights on fewer acres.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/16/2020

Water Right 13-57

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MERRILL RANCH PARTNERSHIP LLC C/O GLEN MERRILL MGR PO BOX 22 SWANLAKE, ID 83281

Priority Date: 5/1/1873

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
STOCKTON CREEK	OXFORD SLOUGH

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	01/01	12/31	0.480 CFS	
AESTHETIC STORAGE	01/01	12/31		13.6 AF
DIVERSION TO STORAGE	01/01	12/31	0.020 CFS	
<u>Total Diversion</u>			0.500 CFS	13.6 AF

Source and Point(s) of Diversion

STOCKTON CREEK NWNESW Sec. 6, Twp 13S, Rge 39E, BANNOCK County

Place of Use

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	38E	14			40.0			28.0	20.4	40.0						40.0			168.4

POU Total Acres: 168.4

AESTHETIC STORAGE within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	38E	13						X											

Conditions of Approval:

1. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. Transfer 77356 reduces the irrigated acres authorized under right 13-57 from 175.0 acres to 168.4 acres. This reduction provides the 13.6 acre-feet of water associated with the aesthetic storage pond.
3. R63 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 place of use.
4. 219 Right 13-57 authorizes the diversion of 0.02 cfs and an annual volume of 13.6 acre-feet

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/16/2020

- to be used for the initial filling of the pond and for the replacement of losses caused by evaporation.
5. 220 The pond established by the storage of water under this right shall not exceed a total capacity of 10.0 acre-feet or a total surface area of 2.5 acres.
6. 221 The right holder shall install and maintain an impermeable liner in the pond to eliminate seepage losses.
7. 004 This right does not grant any right-of-way or easement across the land of another.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

12/16/2020

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MERRILL RANCH PARTNERSHIP LLC C/O GLEN MERRILL MGR PO BOX 22 SWANLAKE, ID 83281

Status: Active

Tributary
BEAR RIVER

1,400 CFS

Sec. 8, Twp 12S, Rge 39E, FRANKLIN County
Sec. 6, Twp 13S, Rge 39E, FRANKLIN County(R)

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	38E	11												40.0	40.0	40.0	40.0	40.0	200.0
13S	38E	13		40.0			40.0	40.0	40.0	40.0									200.0
13S	38E	14	40.0	40.0	40.0	40.0	40.0	28.0	13.0	40.0					23.0	40.0			344.0

1. X35 Rights 13-885A, 13-0886A, 13-887A, 13-889C, 13-885B, 13-886B, 13-887B, 13-889D, 13-889A, 13-884, and 13-888 when combined shall not exceed the irrigation of 624 acres.
2. R43 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.
3. TRANS. 3578.
4. T05 The use of water on the lands to which the above referenced water rights were appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water rights.
5. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 13M.
6. R30 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/16/2020

Water Right 13-886B

Owner Type **Name and Address**
Current Owner MERRILL RANCH PARTNERSHIP LLC
C/O GLEN MERRILL MGR
PO BOX 22
SWANLAKE, ID 83281

Priority Date: 6/1/1887

Basis: Decreed

Status: Active

Source
COTTONWOOD CREEK

Tributary
BEAR RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	1.050 CFS	
	<u>Total Diversion</u>		1.050 CFS	

Source and Point(s) of Diversion

COTTONWOOD CREEK	NESW	Sec. 8, Twp 12S, Rge 39E, FRANKLIN County
COTTONWOOD CREEK	SENW	Sec. 6, Twp 13S, Rge 39E, FRANKLIN County(R)

Place of Use

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	38E	11												40.0	40.0	40.0	40.0	40.0	200.0
13S	38E	13		40.0			40.0	40.0	40.0	40.0									200.0
13S	38E	14	40.0	40.0	40.0	40.0	40.0	28.0	13.0	40.0					23.0	40.0			344.0

POU Total Acres: 744.0

Conditions of Approval:

1. X35 Rights 13-885A, 13-0886A, 13-887A, 13-889C, 13-885B, 13-886B, 13-887B, 13-889D, 13-889A, 13-884, and 13-888 when combined shall not exceed the irrigation of 624 acres.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 13M.
3. R43 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.
4. R30 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
5. TRANS. 3578.
6. T05 The use of water on the lands to which the above referenced water rights were appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water rights.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/16/2020

Water Right 13-887B

Owner Type **Name and Address**
Current Owner MERRILL RANCH PARTNERSHIP LLC
C/O GLEN MERRILL MGR
PO BOX 22
SWANLAKE, ID 83281

Priority Date: 6/1/1895

Basis: Decreed

Status: Active

Source
COTTONWOOD CREEK

Tributary
BEAR RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	0.980 CFS	
	Total Diversion		0.980 CFS	

Source and Point(s) of Diversion

COTTONWOOD CREEK	SENE	Sec. 6, Twp 13S, Rge 39E,	FRANKLIN County(R)
COTTONWOOD CREEK	NESW	Sec. 8, Twp 12S, Rge 39E,	FRANKLIN County

Place of Use

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	38E	11												40.0	40.0	40.0	40.0	40.0	200.0
13S	38E	13		40.0			40.0	40.0	40.0	40.0									200.0
13S	38E	14	40.0	40.0	40.0	40.0	40.0	28.0	13.0	40.0					23.0	40.0			344.0

POU Total Acres: 744.0

Conditions of Approval:

1. X35 Rights 13-885A, 13-0886A, 13-887A, 13-889C, 13-885B, 13-886B, 13-887B, 13-889D, 13-889A, 13-884, and 13-888 when combined shall not exceed the irrigation of 624 acres.
2. T05 The use of water on the lands to which the above referenced water rights were appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water rights.
3. TRANS. 3578.
4. R43 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.
5. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 13M.
6. R30 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/16/2020

Water Right 13-889D

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MERRILL RANCH PARTNERSHIP LLC C/O GLEN MERRILL MGR PO BOX 22 SWANLAKE, ID 83281

Priority Date: 1/1/1904

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
COTTONWOOD CREEK	BEAR RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	7.000 CFS	
	<u>Total Diversion</u>		7.000 CFS	

Source and Point(s) of Diversion

COTTONWOOD CREEK	NESW	Sec. 8, Twp 12S, Rge 39E, FRANKLIN County
COTTONWOOD CREEK	SENW	Sec. 6, Twp 13S, Rge 39E, FRANKLIN County(R)

Place of Use

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	38E	11												40.0	40.0	40.0	40.0	40.0	200.0
13S	38E	13		40.0			40.0	40.0	40.0	40.0									200.0
13S	38E	14	40.0	40.0	40.0	40.0	40.0	28.0	13.0	40.0					23.0	40.0			344.0

POU Total Acres: 744.0

Conditions of Approval:

1. X35 Rights 13-885A, 13-0886A, 13-887A, 13-889C, 13-885B, 13-886B, 13-887B, 13-889D, 13-889A, 13-884, and 13-888 when combined shall not exceed the irrigation of 624 acres.
2. T05 The use of water on the lands to which the above referenced water rights were appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water rights.
3. R43 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.
4. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 13M.
5. R30 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
6. TRANS. 3578.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

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 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 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.

B. CHANGES IN NATURE OF USE (Water Balance)

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

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ 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:

N/A

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

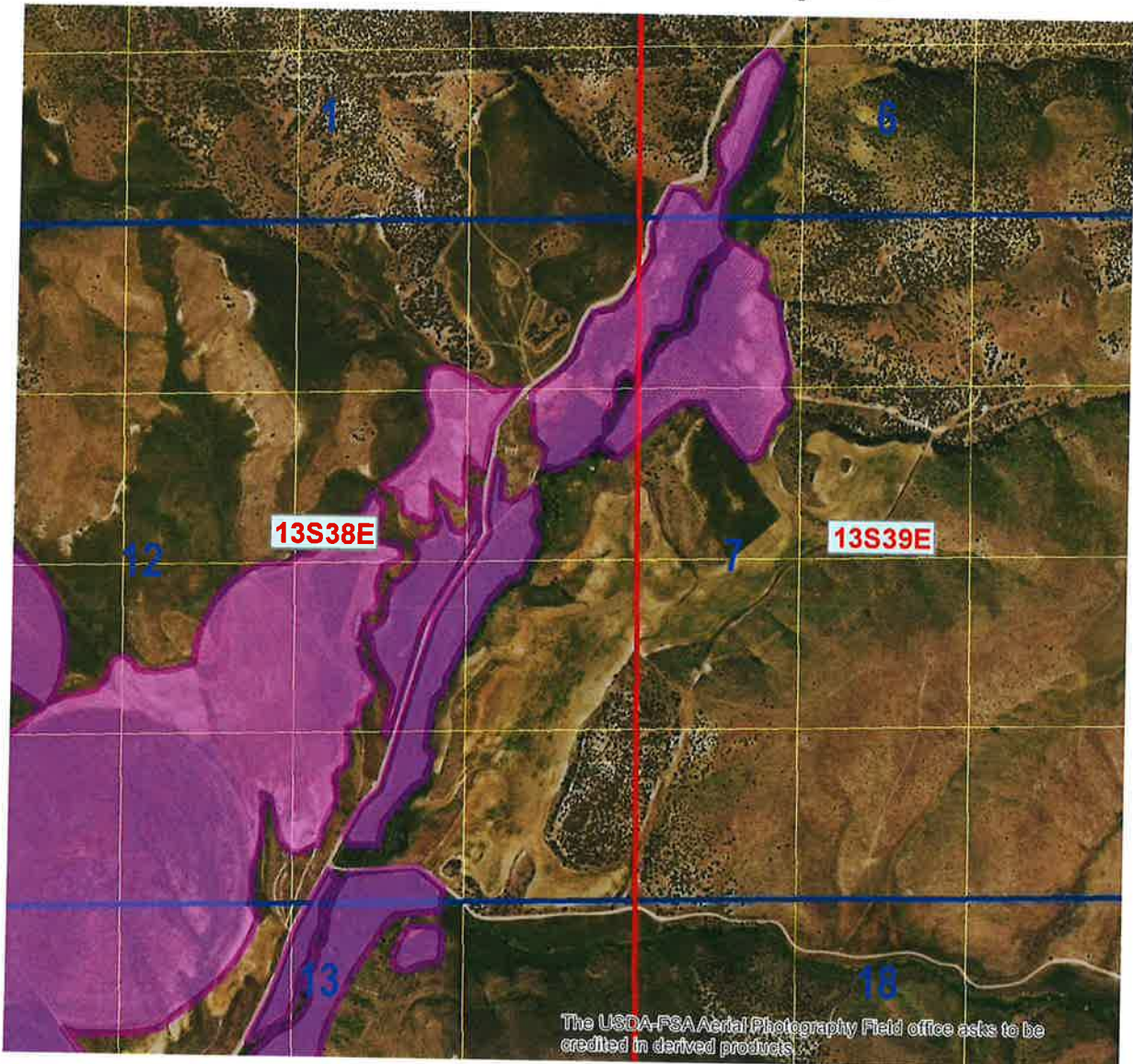
Received by _____ Date 12/24/20 Preliminary check by JB Date 12/24/20

Fee paid \$740.- Date 12/24/20 Receipted by JB Receipt # 1046530

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

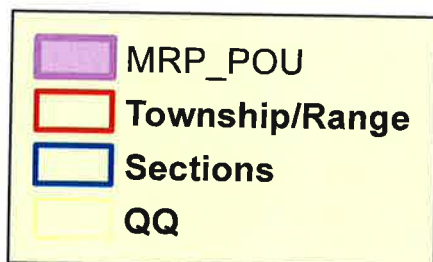
Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

Application for Transfer Merrill Ranch Partnership LLC



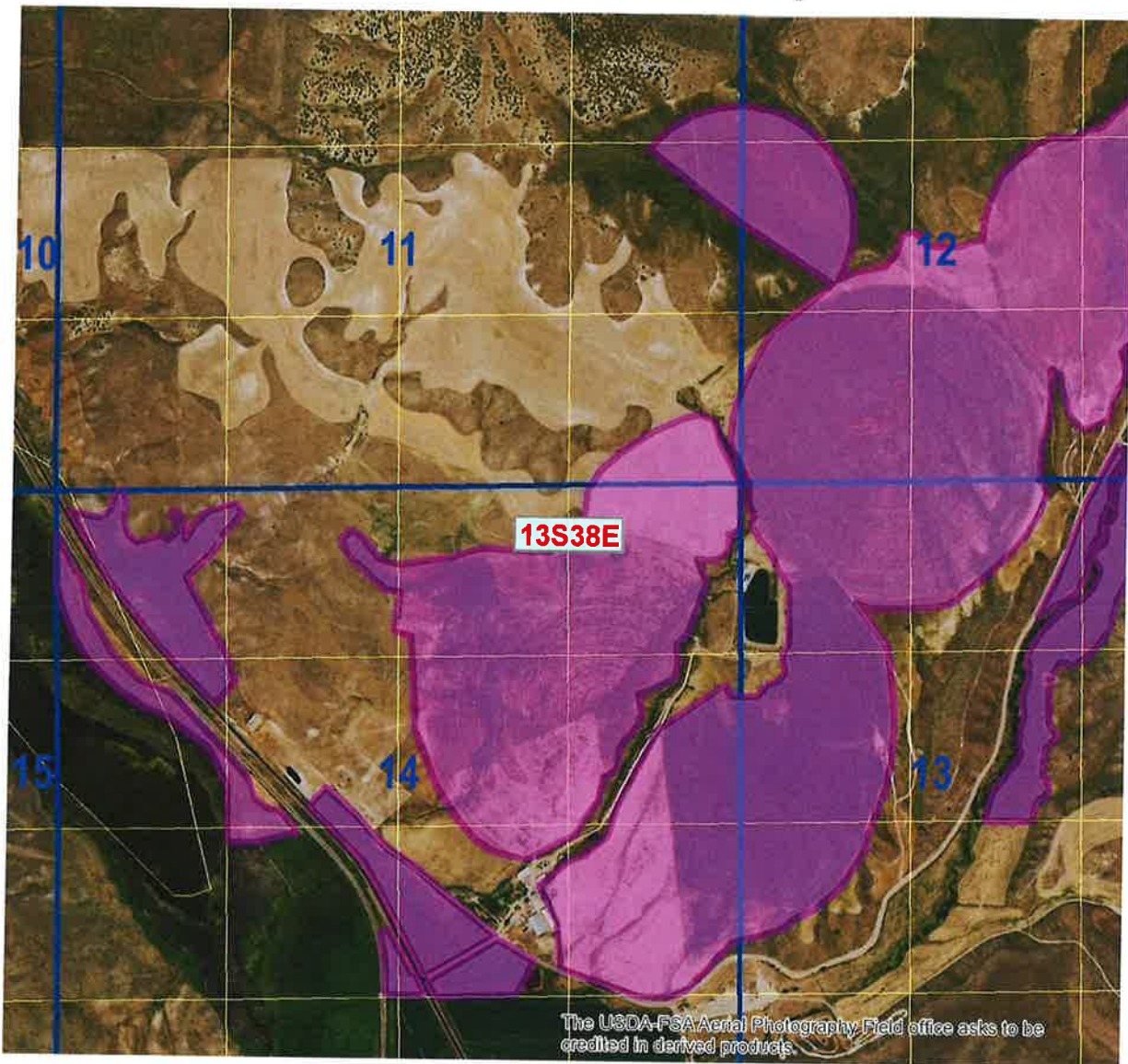
2013 Aerial Photo

0 1,500 3,000 Feet



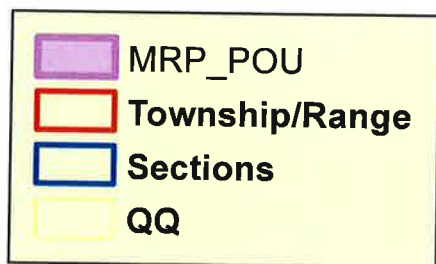
84613

Application for Transfer Merrill Ranch Partnership LLC

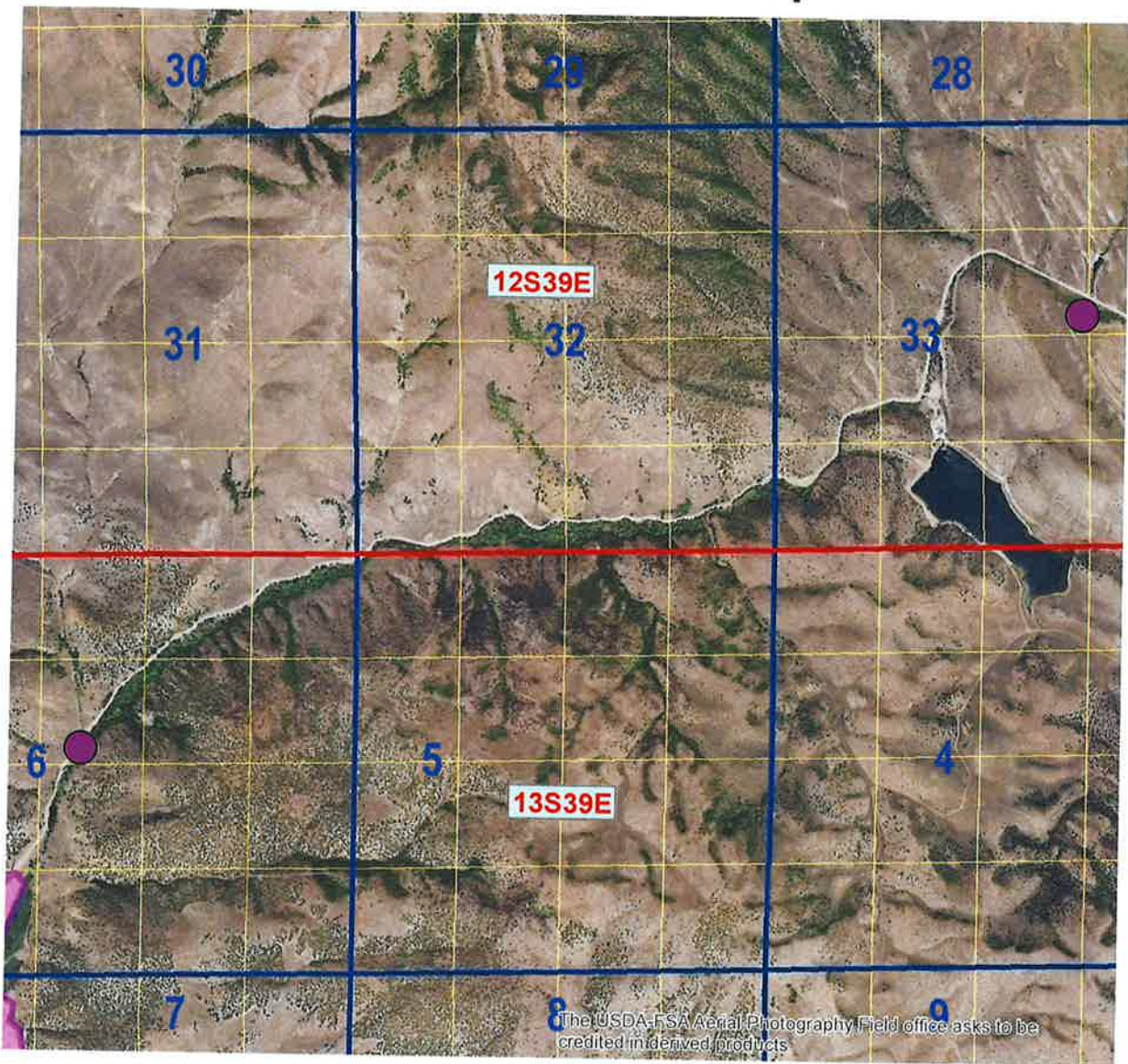


2013 Aerial Photo

0 1,500 3,000 Feet

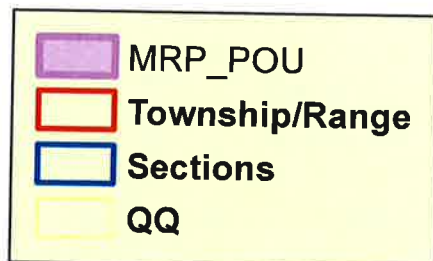


Application for Transfer Merrill Ranch Partnership LLC

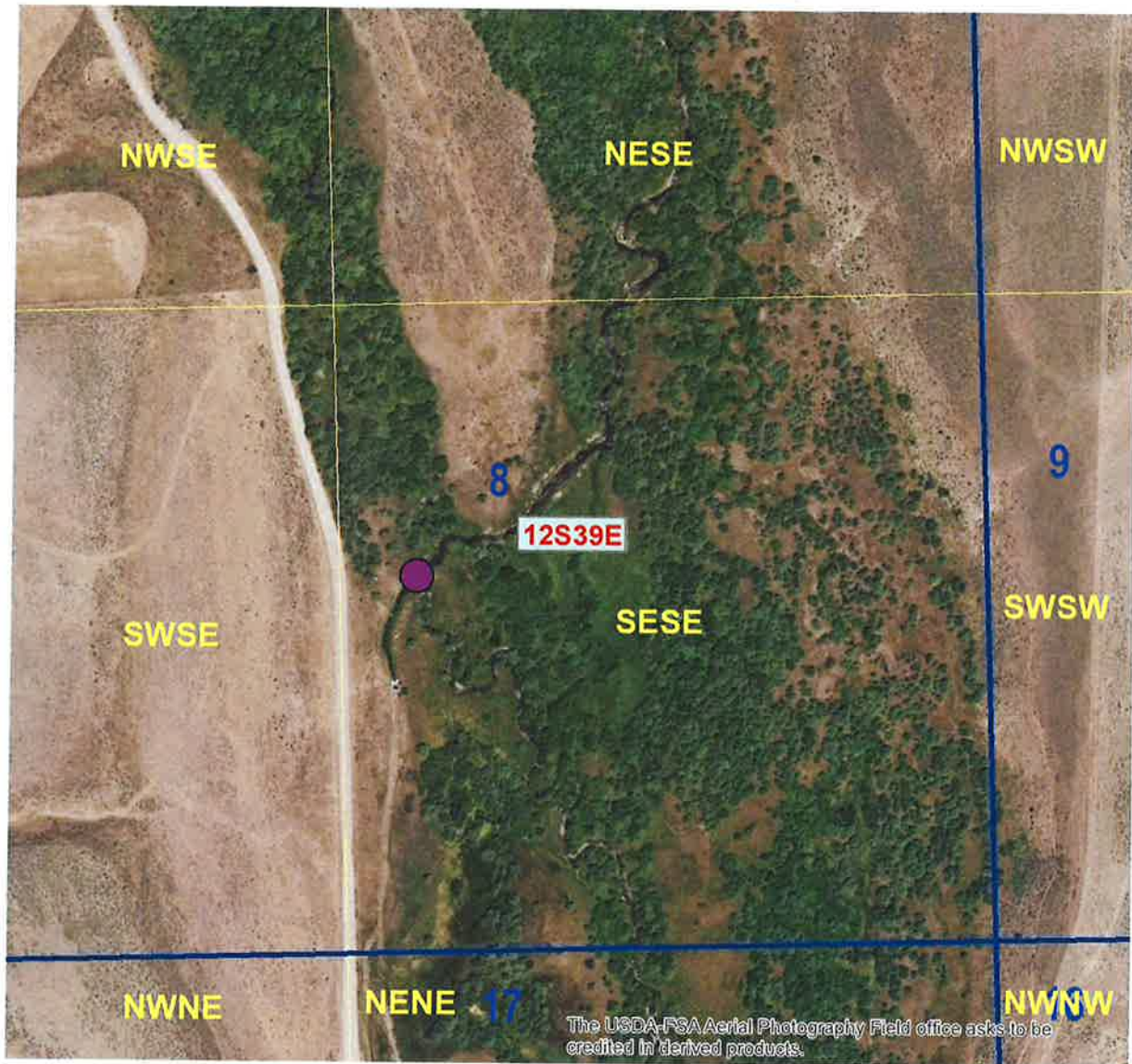


2013 Aerial Photo

0 2,500 5,000 Feet

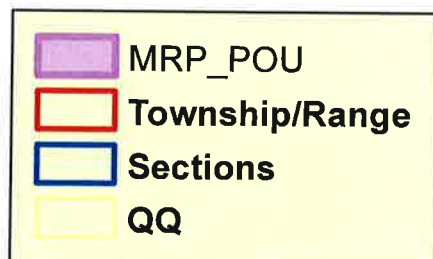


Application for Transfer Merrill Ranch Partnership LLC



2013 Aerial Photo

0 500 1,000 Feet





0003879216

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

For Office Use Only

-FILED-

File #: 0003879216

Date Filed: 5/18/2020 2:46:53 PM

Entity Name and Mailing Address:

Entity Name: MERRILL RANCH PARTNERSHIP, LLC

The file number of this entity on the records of the Idaho Secretary of State is: 0000237039

Address: PO BOX 22
SWANLAKE, ID 83281-0022

Entity Details:

Entity Status: Active - Existing

This entity is organized under the laws of: IDAHO

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: W75580

The registered agent on record is:

Registered Agent: GLEN MERRILL
Registered Agent
Physical Address
12686 STOCKTON RD
SWAN LAKE, ID 83281
Mailing Address

Limited Liability Company Managers and Members

Name	Title	Business Address
 Glen Merrill	Manager	P.O.BOX 22 SWAN LAKE, ID 83281

The annual report must be signed by an authorized signer of the entity.

Glen Merrill

Sign Here

05/18/2020

Date

Job Title: Manager

DUPLICATE - 0003879216 - 05/18/2020 2:46:53 PM RECEIVED BY ID SECRETARY OF STATE LAWRENCE DENNEY

84613



State of Idaho

DEPARTMENT OF WATER RESOURCES

EASTERN Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718
Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

January 14, 2021

MERRILL RANCH PARTNERSHIP LLC
C/O GLEN MERRILL MGR
PO BOX 22
SWANLAKE, ID 83281

RE: Transfer No. 84613
Water Right No(s). 13-57, 13-885B, 13-886B, 13-887B, 13-889D

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 IDAHO STATE JOURNAL on 1/20/2021 and 1/27/2021. 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 approval document.

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

Sincerely,

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Thursday, January 14, 2021 12:40 PM
To: 'busman328@gmail.com'
Subject: Application for Transfer No. 84613
Attachments: RecommendationForm Transfer24.docx

Watermaster:

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.

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

Henman, Christina

From: Henman, Christina
Sent: Thursday, January 14, 2021 1:26 PM
To: IDAHO STATE JOURNAL (legalnotices@postregister.com)
Subject: Legal Notice for Idaho State Journal
Attachments: 84613, 84615 Idaho State Journal.docx

LEGAL NOTICE DEPARTMENT
IDAHO STATE JOURNAL
PO BOX 431
POCATELLO, ID 83204-0431

RE: Transfer No. 84613, 84615

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 2/8/2021. Your cooperation is appreciated.

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

NOTICE OF PROPOSED CHANGE OF WATER RIGHT**TRANSFER NO. 84613**

MERRILL RANCH PARTNERSHIP LLC, C/O GLEN MERRILL MGR

PO BOX 22, SWANLAKE, ID 83281 has filed Application No. 84613 for changes to the following water rights within BANNOCK County(s): Right No(s). 13-57, 13-885B, 13-886B, 13-887B, 13-889D; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change points of diversion and change place of use. The proposed point of diversion from Stockton Creek is in SENW Sec 6 T13S R39E for 0.50 cfs. The proposed points of diversion from Cottonwood Creek are in SESE Sec 8 (Treasureton Canal) and SWNE Sec 33 (Injection), T12S R39E; and SENW Sec 6, T13S R39E (Rediversion) for 10.43 cfs. The proposed place of use is in Sec 11, 12, 13 and 14, T13S R38E, and Sec 6 and 7, T13S R39E for 610.4 acres.

TRANSFER NO. 84615

MICHAEL VAUGHN, 26500 SOUTH OLD MALAD HIGHWAY, DOWNEY, ID 83464; SHELLEY VAUGHN, 26500 S. OLD MALAD HWY, DOWNEY, ID 83234 has filed Application No. 84615 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-13812, 29-14003, 29-2178, 29-2325C, 29-348A, 29-348B; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change points of diversion and place of use. The proposed new point of diversion from Ground water is in SESW Sec 5 T12S R37E for 0.76 cfs. The proposed point of diversion from Cherry Creek is in NWSWNE Sec 29 T12S R37E for 1.68 cfs. The points of diversion for 0.67 cfs from Aspen Creek will not change. The place of use for right 29-2325C will not change. The proposed place of use for the other rights in the transfer is within Sec 5, 8, and 17, T12S R37E for 156 acres. For additional information concerning the property location, contact Eastern Region office at (208)525-7161. 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, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 2/8/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 1/20/2021 and 1/27/2021