

RECEIVED

AMENDED
JUL 24 2020WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 84109MINIMUM 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) CS Property Development 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 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

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) CS Property Development LLC Phone 208-336-2110
Mailing address P. O. Box 27, Boise, Idaho 83707 Email vic.conrad@simplot.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.



Signature of Applicant or Authorized Representative

Thomas J. Basabe, Director

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use

☒ Add diversion point(s)
☐ Change period of use

☒ Change place 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**.
Transfer application amends 11 water rights to identify 4 points of diversion to be used to irrigate a permissible place of use.

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.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part <input type="checkbox"/> <input type="checkbox"/>	See Exhibit A			to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	

Total authorized under rights 5.87 cfs and/or 1,526.93 acre-feet.

2. Total amount of water proposed to be transferred or changed 5.87 cubic feet per second and/or 1,526.93 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 #
			SW	SW	3	1N	1E	Ada	Groundwater	
			NW	NE	10	1N	1E	Ada	Groundwater	
			SW	NE	10	1N	1E	Ada	Groundwater	
		NW	SE	SE	10	1N	1E	Ada	Groundwater	

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	
1N	1E	3									3	15	30	37			30		115
		10		39	30	40													109
		11							40										40
		14					38	40											78
		15	40		40	40									40			40	200
																	Irr	Limit	341.7
Total Acres (for irrigation use)																			542

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:

Wells, Underground Pipelines, Overhead Center Pivot Sprinkler System. Flow Measuring Devices will be installed on pipelines in locations containing required distances for straight pipe.

- b. Who owns the property at the point(s) of diversion? Applicant, Anderson Enterprises, HA Winterfell, LLC

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Easements recorded in the official real property records of Ada County, Idaho.

- 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: NA

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:

- 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:

- 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:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each **water right** listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ tract.)

[illegible]

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

Current Water Right No.: 63-34303

Current Owner: CS PROPERTY DEVELOPMENT LLC

Priority Date: 7/16/1982

Origin: Water Right

Status: Active

Basis: Decreed

Source

INDIAN CREEK
SAND CREEK

Tributary

BOISE RIVER
INDIAN CREEK

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION 01/01 to 12/31 13.4 AF

STORAGE

IRRIGATION 03/15 to 11/15 0.38 CFS 102.9 AF

IRRIGATION FROM 03/15 to 11/15 13.4 AF
STORAGE

Total Diversion 0.38 CFS 129.7 AF

Location of Point(s) of Diversion

INDIAN CREEK

NW1/4NE1/4

Sec. 10, Twp 01N, Rge 01E B.M.

ADA County

SAND CREEK

SW1/4NE1/4

Sec. 10, Twp 01N, Rge 01E B.M.

ADA County

Place of Use

IRRIGATION Within ADA County

T01N R01E S3	NESW	3.00	T01N R01E S3	NWSW	15.00
T01N R01E S3	SWSW	30.00	T01N R01E S3	SESW	37.00
T01N R01E S3	SWSE	30.00	T01N R01E S10	NWNE	39.00
T01N R01E S10	SWNE	30.00	T01N R01E S10	SENE	40.00
T01N R01E S11	SWNW	40.00			

Total Acres: 264

IRRIGATION STORAGE Within County

Total Acres: 264

IRRIGATION FROM STORAGE Within ADA County

T01N R01E S3	NESW	3.00	T01N R01E S3	NWSW	15.00
T01N R01E S3	SWSW	30.00	T01N R01E S3	SESW	37.00
T01N R01E S3	SWSE	30.00	T01N R01E S10	NWNE	39.00
T01N R01E S10	SWNE	30.00	T01N R01E S10	SENE	40.00
T01N R01E S11	SWNW	40.00			

Total Acres: 264

Conditions of Approval:

1. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. Rights 63-34303, 63-34304, 63-34305, 63-34306, 63-34307, 63-34308, 63-34309, 63-34310, 63-34311, and 63-34312 when combined shall not exceed a total diversion rate of 3.54 cfs, a total annual maximum diversion volume of 937.43 af at the field headgate, and the irrigation of 210.7 acres in a single irrigation season.
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(s).
4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. X27 This right is limited to the irrigation of 22.87 acres within the authorized place of use in a single irrigation season.
6. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
7. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/10/2007.
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.
9. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

Decreed Date: 4/10/2007

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

Current Water Right No.: 63-34304

Current Owner: CS PROPERTY DEVELOPMENT LLC

Priority Date: 6/22/1990

Origin: Water Right

Status: Active

Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>		<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.22 CFS	50.1 AF	
	<u>Total Diversion</u>	0.22 CFS	50.1 AF	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 10,	Twp 01N,	Rge 01E B.M.
ADA County				
GROUND WATER	SW1/4SW1/4	Sec. 3,	Twp 01N,	Rge 01E B.M.
ADA County				
GROUND WATER	NW1/4NE1/4	Sec. 10,	Twp 01N,	Rge 01E B.M.
ADA County				

Place of Use

IRRIGATION Within ADA County

T01N R01E S3	NESW	3.00	T01N R01E S3	NWSW	15.00
T01N R01E S3	SWSW	30.00	T01N R01E S3	SESW	37.00
T01N R01E S3	SWSE	30.00	T01N R01E S10	NWNE	39.00
T01N R01E S10	SWNE	30.00	T01N R01E S10	SENE	40.00
T01N R01E S11	SWNW	40.00			

Total Acres: 264

Conditions of Approval:

1. 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.
2. Rights 63-34303, 63-34304, 63-34305, 63-34306, 63-34307, 63-34308, 63-34309, 63-34310, 63-34311, and 63-34312 when combined shall not exceed a total diversion rate of 3.54 cfs, a total annual maximum diversion volume of 937.43 af at the field headgate, and the irrigation of 210.7 acres in a single irrigation season.

3. X27 This right is limited to the irrigation of 11.22 acres within the authorized place of use in a single irrigation season.
4. 261 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used on the land with an appurtenant surface water right(s) without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
5. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/10/2007.
6. WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 937.43 af at the field headgate for the place of use.
7. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. 260 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

Licensed Date: 9/30/1993

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

Current Water Right No.: 63-34305

Current Owner: CS PROPERTY DEVELOPMENT LLC

Priority Date: 6/4/1963

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.08 CFS	20.6 AF
	<u>Total Diversion</u>	0.08 CFS	20.6 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 10,	Twp 01N,	Rge 01E B.M.
ADA County				
GROUND WATER	SW1/4NE1/4	Sec. 10,	Twp 01N,	Rge 01E B.M.
ADA County				
GROUND WATER	SW1/4SW1/4	Sec. 3,	Twp 01N,	Rge 01E B.M.
ADA County				

Place of Use

IRRIGATION Within ADA County

T01N R01E S3	NESW	3.00	T01N R01E S3	NWSW	15.00
T01N R01E S3	SWSW	30.00	T01N R01E S3	SESW	37.00
T01N R01E S3	SWSE	30.00	T01N R01E S10	NWNE	39.00
T01N R01E S10	SWNE	30.00	T01N R01E S10	SENE	40.00
T01N R01E S11	SWNW	40.00			

Total Acres: 264

Conditions of Approval:

- 260 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

2. 261 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used on the land with an appurtenant surface water right(s) without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. X27 This right is limited to the irrigation of 4.57 acres within the authorized place of use in a single irrigation season.
5. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
6. Rights 63-34305, 63-34306, 63-34308 and 63-34311 when combined shall not exceed a total diversion rate of 1.69 cfs, a total annual maximum diversion volume of 578.4 af at the field headgate, and the irrigation of 128.54 acres in a single irrigation season.
7. Rights 63-34303, 63-34304, 63-34305, 63-34306, 63-34307, 63-34308, 63-34309, 63-34310, 63-34311, and 63-34312 when combined shall not exceed a total diversion rate of 3.54 cfs, a total annual maximum diversion volume of 937.43 af at the field headgate, and the irrigation of 210.7 acres in a single irrigation season.
8. WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 937.43 af at the field headgate for the place of use.
9. 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.

Decreed Date: 2/16/2007

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

Current Water Right No.: 63-34306

Current Owner: CS PROPERTY DEVELOPMENT LLC

Priority Date: 1/16/1961

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.62 CFS	259 AF
	<u>Total Diversion</u>	0.62 CFS	259 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 10,	Twp 01N,	Rge 01E B.M.
ADA County				
GROUND WATER	SW1/4NE1/4	Sec. 10,	Twp 01N,	Rge 01E B.M.
ADA County				
GROUND WATER	SW1/4SW1/4	Sec. 3,	Twp 01N,	Rge 01E B.M.
ADA County				

Place of Use

IRRIGATION Within ADA County

T01N R01E S3	NESW	3.00	T01N R01E S3	NWSW	15.00
T01N R01E S3	SWSW	30.00	T01N R01E S3	SESW	37.00
T01N R01E S3	SWSE	30.00	T01N R01E S10	NWNE	39.00
T01N R01E S10	SWNE	30.00	T01N R01E S10	SENE	40.00
T01N R01E S11	SWNW	40.00			

Total Acres: 264

Conditions of Approval:

1. 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.
2. WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 937.43 af at the field headgate for the place of use.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water

district. At the time of this approval, this water right is within State Water District No. 63.

4. 261 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used on the land with an appurtenant surface water right(s) without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
5. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/6/2007.
7. X27 This right is limited to the irrigation of 57.53 acres within the authorized place of use in a single irrigation season.
8. 260 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
9. Rights 63-34303, 63-34304, 63-34305, 63-34306, 63-34307, 63-34308, 63-34309, 63-34310, 63-34311, and 63-34312 when combined shall not exceed a total diversion rate of 3.54 cfs, a total annual maximum diversion volume of 937.43 af at the field headgate, and the irrigation of 210.7 acres in a single irrigation season.
10. Rights 63-34305, 63-34306, 63-34308 and 63-34311 when combined shall not exceed a total diversion rate of 1.69 cfs, a total annual maximum diversion volume of 578.4 af at the field headgate, and the irrigation of 128.54 acres in a single irrigation season.

Decreed Date: 2/16/2007

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

Current Water Right No.: 63-34307

Current Owner: CS PROPERTY DEVELOPMENT LLC
Priority Date: 1/16/1961
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>		<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.09 CFS	30.5 AF	
	<u>Total Diversion</u>	0.09 CFS	30.5 AF	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 10,	Twp 01N,	Rge 01E B.M.
ADA County				
GROUND WATER	SW1/4NE1/4	Sec. 10,	Twp 01N,	Rge 01E B.M.
ADA County				
GROUND WATER	SW1/4SW1/4	Sec. 3,	Twp 01N,	Rge 01E B.M.
ADA County				

Place of Use

IRRIGATION Within ADA County

T01N R01E S3	NESW	3.00	T01N R01E S3	NWSW	15.00
T01N R01E S3	SWSW	30.00	T01N R01E S3	SESW	37.00
T01N R01E S3	SWSE	30.00	T01N R01E S10	NWNE	39.00
T01N R01E S10	SWNE	30.00	T01N R01E S10	SENE	40.00
T01N R01E S11	SWNW	40.00			

Total Acres: 264

Conditions of Approval:

1. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/6/2007.
2. 261 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this

right to divert ground water shall not be used on the land with an appurtenant surface water right(s) without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
4. X27 This right is limited to the irrigation of 6.8 acres within the authorized place of use in a single irrigation season.
5. 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.
6. Rights 63-34307, 63-34309, 63-34310 and 63-34312 when combined shall not exceed a total diversion rate of 1.19 cfs, a total annual maximum diversion volume of 267 af at the field headgate, and the irrigation of 59.33 acres in a single irrigation season.
7. Rights 63-34303, 63-34304, 63-34305, 63-34306, 63-34307, 63-34308, 63-34309, 63-34310, 63-34311, and 63-34312 when combined shall not exceed a total diversion rate of 3.54 cfs, a total annual maximum diversion volume of 937.43 af at the field headgate, and the irrigation of 210.7 acres in a single irrigation season.
8. 260 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 597.07 af at the field headgate for the place of use.

Decreed Date: 2/16/2007

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

Current Water Right No.: 63-34308

Current Owner: CS PROPERTY DEVELOPMENT LLC

Priority Date: 6/4/1963

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.27 CFS	60.4 AF
	<u>Total Diversion</u>	0.27 CFS	60.4 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 10,	Twp 01N,	Rge 01E B.M.
ADA County				
GROUND WATER	SW1/4NE1/4	Sec. 10,	Twp 01N,	Rge 01E B.M.
ADA County				
GROUND WATER	SW1/4SW1/4	Sec. 3,	Twp 01N,	Rge 01E B.M.
ADA County				

Place of Use

IRRIGATION Within ADA County

T01N R01E S3	NESW	3.00	T01N R01E S3	NWSW	15.00
T01N R01E S3	SWSW	30.00	T01N R01E S3	SESW	37.00
T01N R01E S3	SWSE	30.00	T01N R01E S10	NWNE	39.00
T01N R01E S10	SWNE	30.00	T01N R01E S10	SENE	40.00
T01N R01E S11	SWNW	40.00			

Total Acres: 264

Conditions of Approval:

1. WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 937.43 af at the field headgate for the place of use.
2. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

84109

3. 261 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used on the land with an appurtenant surface water right(s) without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
4. X27 This right is limited to the irrigation of 13.41 acres within the authorized place of use in a single irrigation season.
5. Rights 63-34303, 63-34304, 63-34305, 63-34306, 63-34307, 63-34308, 63-34309, 63-34310, 63-34311, and 63-34312 when combined shall not exceed a total diversion rate of 3.04 cfs, a total annual maximum diversion volume of 937.43 af at the field headgate, and the irrigation of 210.7 acres in a single irrigation season.
6. 260 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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.
9. Rights 63-34305, 63-34306, 63-34308 and 63-34311 when combined shall not exceed a total diversion rate of 1.69 cfs, a total annual maximum diversion volume of 578.4 af at the field headgate, and the irrigation of 128.54 acres in a single irrigation season.

Decreed Date: 2/16/2007

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

Current Water Right No.: 63-34309

Current Owner: CS PROPERTY DEVELOPMENT LLC

Priority Date: 6/4/1963

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>		<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.68 CFS	171.1 AF	
	<u>Total Diversion</u>	0.68 CFS	171.1 AF	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 10,	Twp 01N,	Rge 01E B.M.
ADA County				
GROUND WATER	SW1/4NE1/4	Sec. 10,	Twp 01N,	Rge 01E B.M.
ADA County				
GROUND WATER	SW1/4SW1/4	Sec. 3,	Twp 01N,	Rge 01E B.M.
ADA County				

Place of Use

IRRIGATION Within ADA County

T01N R01E S3	NESW	3.00	T01N R01E S3	NWSW	15.00
T01N R01E S3	SWSW	30.00	T01N R01E S3	SESW	37.00
T01N R01E S3	SWSE	30.00	T01N R01E S10	NWNE	39.00
T01N R01E S10	SWNE	30.00	T01N R01E S10	SENE	40.00
T01N R01E S11	SWNW	40.00			

Total Acres: 264

Conditions of Approval:

1. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/6/2007.
2. X27 This right is limited to the irrigation of 61.5 acres within the authorized place of use in a single irrigation season.

3. Rights 63-34307, 63-34309, 63-34310 and 63-34312 when combined shall not exceed a total diversion rate of 1.19 cfs, a total annual maximum diversion volume of 267 af at the field headgate, and the irrigation of 59.33 acres in a single irrigation season.
4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. 260 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
6. Rights 63-34303, 63-34304, 63-34305, 63-34306, 63-34307, 63-34308, 63-34309, 63-34310, 63-34311, and 63-34312 when combined shall not exceed a total diversion rate of 3.54 cfs, a total annual maximum diversion volume of 937.43 af at the field headgate, and the irrigation of 210.7 acres in a single irrigation season.
7. 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.
8. WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 937.43 af at the field headgate for the place of use.
9. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
10. 261 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used on the land with an appurtenant surface water right(s) without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

Decreed Date: 2/16/2007

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

Current Water Right No.: 63-34310

Current Owner: CS PROPERTY DEVELOPMENT LLC

Priority Date: 1/21/1971

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.29 CFS	65.4 AF
	<u>Total Diversion</u>	0.29 CFS	65.4 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 10,	Twp 01N,	Rge 01E B.M.
ADA County				
GROUND WATER	SW1/4NE1/4	Sec. 10,	Twp 01N,	Rge 01E B.M.
ADA County				
GROUND WATER	SW1/4SW1/4	Sec. 3,	Twp 01N,	Rge 01E B.M.
ADA County				

Place of Use

IRRIGATION Within ADA County

T01N R01E S3	NESW	3.00	T01N R01E S3	NWSW	15.00
T01N R01E S3	SWSW	30.00	T01N R01E S3	SESW	37.00
T01N R01E S3	SWSE	30.00	T01N R01E S10	NWNE	39.00
T01N R01E S10	SWNE	30.00	T01N R01E S10	SENE	40.00
T01N R01E S11	SWNW	40.00			

Total Acres: 264

Conditions of Approval:

1. 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.
2. 261 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used on the land with an appurtenant surface water right(s) without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

84109

3. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/6/2007.
4. Rights 63-34307, 63-34309, 63-34310 and 63-34312 when combined shall not exceed a total diversion rate of 1.19 cfs, a total annual maximum diversion volume of 267 af at the field headgate, and the irrigation of 59.33 acres in a single irrigation season.
5. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Rights 63-34303, 63-34304, 63-34305, 63-34306, 63-34307, 63-34308, 63-34309, 63-34310, 63-34311, and 63-34312 when combined shall not exceed a total diversion rate of 3.54 cfs, a total annual maximum diversion volume of 937.43 af at the field headgate, and the irrigation of 210.7 acres in a single irrigation season.
7. X27 This right is limited to the irrigation of 14.52 acres within the authorized place of use in a single irrigation season.
8. 260 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
9. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
10. WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 937.43 af at the field headgate for the place of use.

Decreed Date: 2/16/2007

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

Current Water Right No.: 63-34311

Current Owner: CS PROPERTY DEVELOPMENT LLC

Priority Date: 1/20/1967

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>		<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.72 CFS	270.1 AF	
	<u>Total Diversion</u>	0.72 CFS	270.1 AF	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 10,	Twp 01N,	Rge 01E B.M.
ADA County				
GROUND WATER	SW1/4NE1/4	Sec. 10,	Twp 01N,	Rge 01E B.M.
ADA County				
GROUND WATER	SW1/4SW1/4	Sec. 3,	Twp 01N,	Rge 01E B.M.
ADA County				

Place of Use

IRRIGATION Within ADA County

T01N R01E S3	NESW	3.00	T01N R01E S3	NWSW	15.00
T01N R01E S3	SWSW	30.00	T01N R01E S3	SESW	37.00
T01N R01E S3	SWSE	30.00	T01N R01E S10	NWNE	39.00
T01N R01E S10	SWNE	30.00	T01N R01E S10	SENE	40.00
T01N R01E S11	SWNW	40.00			

Total Acres: 264

Conditions of Approval:

1. WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 937.43 af at the field headgate for the place of use.
2. 261 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used on the land with an appurtenant surface water right(s) without an approved transfer pursuant to Section 42-

84109

222, Idaho Code, or approval of the Department if a transfer is not required.

3. X27 This right is limited to the irrigation of 60.01 acres within the authorized place of use in a single irrigation season.
4. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/16/2007.
5. Rights 63-34303, 63-34304, 63-34305, 63-34306, 63-34307, 63-34308, 63-34309, 63-34310, 63-34311, and 63-34312 when combined shall not exceed a total diversion rate of 3.54 cfs, a total annual maximum diversion volume of 937.43 af at the field headgate, and the irrigation of 210.7 acres in a single irrigation season.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. 260 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
8. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
9. Rights 63-34305, 63-34306, 63-34308 and 63-34311 when combined shall not exceed a total diversion rate of 1.69 cfs, a total annual maximum diversion volume of 578.4 af at the field headgate, and the irrigation of 128.54 acres in a single irrigation season.
10. 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.

Decreed Date: 2/16/2007

Current Water Right No.: 63-34339

Priority Date: 3/23/1973

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>		<u>Annual Volume</u>
IRRIGATION	03/01 to 11/30	2.33 CFS	589.5 AF	
	Total Diversion	2.33 CFS	589.5 AF	

Location of Point(s) of Diversion

GROUND WATER NW1/4SE1/4SE1/4 Sec. 10, Twp 01N, Rge 01E B.M.

ADA County

Place of Use

IRRIGATION Within ADA County

T01N R01E S14	NENW	38.00	T01N R01E S14	NWNW	40.00
T01N R01E S15	NENE	40.00	T01N R01E S15	SWNE	40.00
T01N R01E S15	SENE	40.00	T01N R01E S15	NESE	40.00
T01N R01E S15	SESE	40.00			

Total Acres: 278

Conditions of Approval:

- | | | |
|----|-----|--|
| 1. | 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. |
| 2. | T19 | Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014. |
| 3. | 206 | This right is limited to the irrigation of a specific 131.0 acres within the 278.0 acre place of use authorized by this right in a single irrigation season. The specific 131.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 131.0 acres to be irrigated within the 278.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur. |

4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. 004 This right does not grant any right-of-way or easement across the land of another.
6. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
7. 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.

Decreed Date: 2/16/2007

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

Current Water Right No.: 63-34312

Current Owner: CS PROPERTY DEVELOPMENT LLC

Priority Date: 3/4/1966

Origin: Water Right

Status: Active

Basis: Decreed

Source

INDIAN CREEK

Tributary

BOISE RIVER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION	03/01 to 11/15	0.53 CFS	119.6 AF
<u>Total Diversion</u>		0.53 CFS	119.6 AF

Location of Point(s) of Diversion

INDIAN CREEK

NW1/4SW1/4

Sec. 3, Twp 01N, Rge 01E B.M.

ADA County

Place of Use

IRRIGATION Within ADA County

T01N R01E S3	NESW	3.00	T01N R01E S3	NWSW	15.00
T01N R01E S3	SWSW	30.00	T01N R01E S3	SESW	37.00
T01N R01E S3	SWSE	30.00	T01N R01E S10	NWNE	39.00
T01N R01E S10	SWNE	30.00	T01N R01E S10	SENE	40.00
T01N R01E S11	SWNW	40.00			

Total Acres: 264

Conditions of Approval:

1. Rights 63-34307, 63-34309, 63-34310 and 63-34312 when combined shall not exceed a total diversion rate of 1.19 cfs, a total annual maximum diversion volume of 267 af at the field headgate, and the irrigation of 59.33 acres.
2. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/10/2007.
3. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

4. X27 This right is limited to the irrigation of 26.57 acres within the authorized place of use in a single irrigation season.
5. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. 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.
7. 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(s).
8. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
9. Rights 63-34303, 63-34304, 63-34305, 63-34306, 63-34307, 63-34308, 63-34309, 63-34310, 63-34311, and 63-34312 when combined shall not exceed a total diversion rate of 3.54 cfs, a total annual maximum diversion volume of 937.43 af at the field headgate, and the irrigation of 210.7 acres in a single irrigation season.
10. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

Decreed Date: 2/16/2007

4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. 004 This right does not grant any right-of-way or easement across the land of another.
6. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
7. 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.

Decreed Date: 2/16/2007

Exhibit A

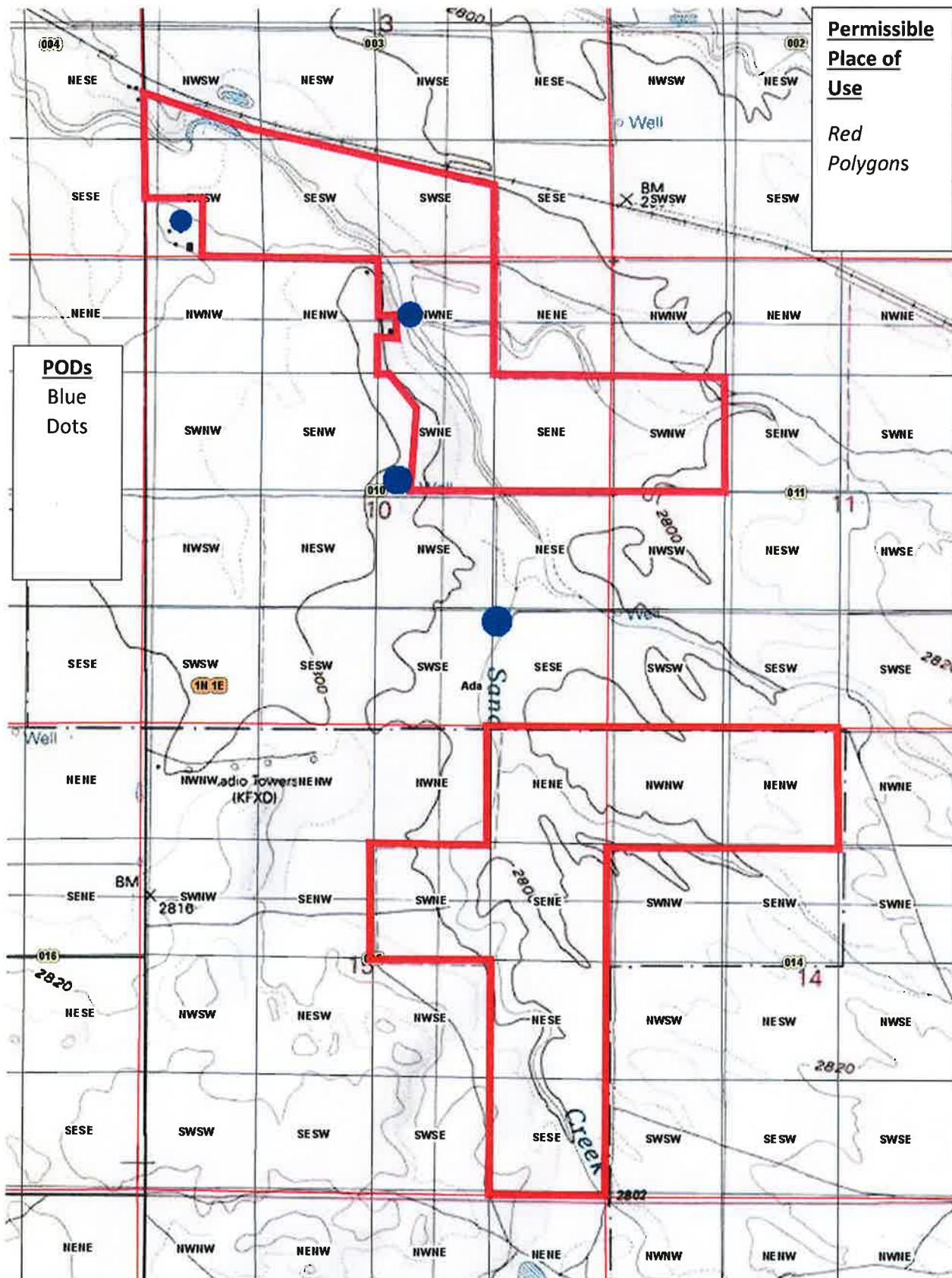
Part 1.B.1 Description of Rights After the Requested Changes.

The following water rights are included in their entirety (no partial water rights).

Water Right Number	Amount (cfs/af)	Nature of Use	Period of Use	Source & Tributary
63-34303	0.38/102.9	Irrigation	Mar-15 to Nov-15	Indian Creek/ Boise River Sand Creek/ Indian Creek
	13.4 af	Irrigation Storage	Jan1 to Dec-31	"
	13.4 af	Irrigation From Storage	Mar-15 to Nov 15	"
63-34304	0.22/50.1	Irrigation	Mar-15 to Nov 14	Ground Water
63-34305	0.08/20.6	Irrigation	Mar-1 to Nov-15	Ground Water
63-34306	0.62/259	Irrigation	Mar-15 to Nov-15	Ground Water
63-34307	0.090/30.5	Irrigation	Mar-15 to Nov-15	Ground Water
63-34308	0.27/60.4	Irrigation	Mar-1 to Nov-15	Ground Water
63-34309	0.68/171.1	Irrigation	Mar-15 to Nov-15	Ground Water
63-34310	0.29/65.4	Irrigation	Mar-15 to Nov-15	Ground Water
63-34311	0.72/270.1	Irrigation	Mar-15 to Nov-15	Ground Water
63-34312	0.53/119.6	Irrigation	Mar-1 to Nov-15	Indian Creek/ Boise River
63-34339	2.33/589.5	Irrigation	Mar-1 to Nov-30	Ground Water

Attachment #7b

Application for Transfer of Water Rights 63-34303, 63-34304, 63-34305, 63-34306, 63-34307, 63-34308, 63-34309, 63-34310, 63-34311, 63-34312 and 63-34339



MAY 26 2020

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 84109**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) CS Property Development LLCCheck 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: _____

* Superseded by 7/24/2020 Amended App *

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) CS Property Development LLC Phone 208-336-2110
Mailing address P. O. Box 27, Boise, Idaho 83707 Email vic.conrad@simplot.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**.

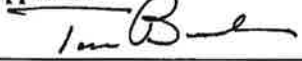
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ 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.


Signature of Applicant or Authorized Representative

Thomas J. Basabe, Director
Print Name and Title if applicable

May 15, 2020
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use
 ☒ Add diversion point(s)
☐ Change period of use
 ☒ Change place 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**.
Transfer application modifies the place of use to cover land to be irrigated with an improved, more efficient irrigation system installed to accommodate the land application of effluent from meat processing plant.

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 <input checked="" type="checkbox"/> <input type="checkbox"/>	63-34304	0.22/50.1	Irrigation	3/15 to 11/15	Groundwater
<input checked="" type="checkbox"/> <input type="checkbox"/>	63-34307	0.09/30.5	Irrigation	3/15 to 11/15	Groundwater
<input checked="" type="checkbox"/> <input type="checkbox"/>	63-34308	0.27/60.4	Irrigation	3/1 to 11/15	Groundwater
<input checked="" type="checkbox"/> <input type="checkbox"/>	63-34310	0.29/65.4	Irrigation	3/15 to 11/15	Groundwater
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	

Total authorized under rights 0.87 cfs and/or 206.4 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.87 cubic feet per second and/or 206.4 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 #
			SW	SW	3	1N	1E	Ada	Groundwater	
			NW	NE	10	1N	1E	Ada	Groundwater	
			SW	NE	10	1N	1E	Ada	Groundwater	
		NW	SE	SE	10	1N	1E	Ada	Groundwater	

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	
1N	1E	14					38	40											78
		15	40		40	40									40			40	200
Total Acres (for irrigation use)																			278

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:

Wells, Underground Pipelines, Overhead Center Pivot Sprinkler Systems

- b. Who owns the property at the point(s) of diversion? Applicant, Anderson Enterprises, HA Winterfell, LLC

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Easements recorded in the official real property records of Ada County, Idaho.

- 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 land irrigated on the current place of use will contract and a portion will continue to be irrigated under water rights 63-34303, 63-34305, 63-34306, 63-34309, 63-34311 and 63-34312

- 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:

Additional Water Rights/Permit On Lands Transferred From: 63-34303, 63-34305, 63-34306, 63-34309, 63-34311, 63-34312, 63-33825, 63-24385.

Water Right on Land Transfer To: 63-34339

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | undergone a period of five or more consecutive years of non-use, |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently leased to the Water Supply Bank, |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently used in a mitigation plan limiting the use of water under the right, or |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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.: 63-34304

Current Owner: CS PROPERTY DEVELOPMENT LLC

Priority Date: 6/22/1990

Origin: Water Right

Status: Active

Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>		<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.22 CFS	50.1 AF	
	<u>Total Diversion</u>	0.22 CFS	50.1 AF	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 10,	Twp 01N,	Rge 01E B.M.
ADA County				
GROUND WATER	SW1/4SW1/4	Sec. 3,	Twp 01N,	Rge 01E B.M.
ADA County				
GROUND WATER	NW1/4NE1/4	Sec. 10,	Twp 01N,	Rge 01E B.M.
ADA County				

Place of Use

IRRIGATION Within ADA County

T01N R01E S3	NESW	3.00	T01N R01E S3	NWSW	15.00
T01N R01E S3	SWSW	30.00	T01N R01E S3	SESW	37.00
T01N R01E S3	SWSE	30.00	T01N R01E S10	NWNE	39.00
T01N R01E S10	SWNE	30.00	T01N R01E S10	SENE	40.00
T01N R01E S11	SWNW	40.00			

Total Acres: 264

Conditions of Approval:

1. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
2. X27 This right is limited to the irrigation of 11.22 acres within the authorized place of use in a single irrigation season.

3. WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 937.43 af at the field headgate for the place of use.
4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. 261 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used on the land with an appurtenant surface water right(s) without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
6. 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.
7. 260 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
8. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/10/2007.
9. Rights 63-34303, 63-34305, 63-34306, 63-34307, 63-34308, 63-34309, 63-34310, 63-34311, and 63-34312 when combined shall not exceed a total diversion rate of 3.54 cfs, a total annual maximum diversion volume of 937.43 af at the field headgate, and the irrigation of 210.7 acres in a single irrigation season.

Licensed Date: 9/30/1993

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

Current Water Right No.: 63-34307

Current Owner: CS PROPERTY DEVELOPMENT LLC

Priority Date: 1/16/1961

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.09 CFS	30.5 AF
	<u>Total Diversion</u>	0.09 CFS	30.5 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 10,	Twp 01N,	Rge 01E B.M.
ADA County				
GROUND WATER	SW1/4NE1/4	Sec. 10,	Twp 01N,	Rge 01E B.M.
ADA County				
GROUND WATER	SW1/4SW1/4	Sec. 3,	Twp 01N,	Rge 01E B.M.
ADA County				

Place of Use

IRRIGATION Within ADA County

T01N R01E S3	NESW	3.00	T01N R01E S3	NWSW	15.00
T01N R01E S3	SWSW	30.00	T01N R01E S3	SESW	37.00
T01N R01E S3	SWSE	30.00	T01N R01E S10	NWNE	39.00
T01N R01E S10	SWNE	30.00	T01N R01E S10	SENE	40.00
T01N R01E S11	SWNW	40.00			

Total Acres: 264

Conditions of Approval:

1. 261 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used on the land with an appurtenant surface water right(s) without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
2. Rights 63-34303, 63-34305, 63-34306, 63-34307, 63-34308, 63-34309, 63-34310, 63-34311, and 63-34312 when combined shall not exceed a total

diversion rate of 3.54 cfs, a total annual maximum diversion volume of 937.43 af at the field headgate, and the irrigation of 210.7 acres in a single irrigation season.

3. 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.
4. Rights 63-34307, 63-34309, 63-34310 and 63-34312 when combined shall not exceed a total diversion rate of 1.19 cfs, a total annual maximum diversion volume of 267 af at the field headgate, and the irrigation of 59.33 acres in a single irrigation season.
5. X27 This right is limited to the irrigation of 6.8 acres within the authorized place of use in a single irrigation season.
6. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
7. 260 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
8. WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 597.07 af at the field headgate for the place of use.
9. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/6/2007.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Decreed Date: 2/16/2007

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

Current Water Right No.: 63-34308

Current Owner: CS PROPERTY DEVELOPMENT LLC

Priority Date: 6/4/1963

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>		<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.27 CFS	60.4 AF	
	<u>Total Diversion</u>	0.27 CFS	60.4 AF	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 10,	Twp 01N,	Rge 01E B.M.
ADA County				
GROUND WATER	SW1/4NE1/4	Sec. 10,	Twp 01N,	Rge 01E B.M.
ADA County				
GROUND WATER	SW1/4SW1/4	Sec. 3,	Twp 01N,	Rge 01E B.M.
ADA County				

Place of Use

IRRIGATION Within ADA County

T01N R01E S3	NESW	3.00	T01N R01E S3	NWSW	15.00
T01N R01E S3	SWSW	30.00	T01N R01E S3	SESW	37.00
T01N R01E S3	SWSE	30.00	T01N R01E S10	NWNE	39.00
T01N R01E S10	SWNE	30.00	T01N R01E S10	SENE	40.00
T01N R01E S11	SWNW	40.00			

Total Acres: 264

Conditions of Approval:

1. X27 This right is limited to the irrigation of 13.41 acres within the authorized place of use in a single irrigation season.
2. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

3. 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.
4. WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 937.43 af at the field headgate for the place of use.
5. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Rights 63-34305, 63-34306, 63-34308 and 63-34311 when combined shall not exceed a total diversion rate of 1.69 cfs, a total annual maximum diversion volume of 578.4 af at the field headgate, and the irrigation of 128.54 acres in a single irrigation season.
7. Rights 63-34303, 63-34305, 63-34306, 63-34307, 63-34308, 63-34309, 63-34310, 63-34311, and 63-34312 when combined shall not exceed a total diversion rate of 3.04 cfs, a total annual maximum diversion volume of 937.43 af at the field headgate, and the irrigation of 210.7 acres in a single irrigation season.
8. 260 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
9. 261 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used on the land with an appurtenant surface water right(s) without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

Decreed Date: 2/16/2007

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

Current Water Right No.: 63-34310

Current Owner: CS PROPERTY DEVELOPMENT LLC

Priority Date: 1/21/1971

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.29 CFS	65.4 AF
	<u>Total Diversion</u>	0.29 CFS	65.4 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 10,	Twp 01N,	Rge 01E B.M.
ADA County				
GROUND WATER	SW1/4NE1/4	Sec. 10,	Twp 01N,	Rge 01E B.M.
ADA County				
GROUND WATER	SW1/4SW1/4	Sec. 3,	Twp 01N,	Rge 01E B.M.
ADA County				

Place of Use

IRRIGATION Within ADA County

T01N R01E S3	NESW	3.00	T01N R01E S3	NWSW	15.00
T01N R01E S3	SWSW	30.00	T01N R01E S3	SESW	37.00
T01N R01E S3	SWSE	30.00	T01N R01E S10	NWNE	39.00
T01N R01E S10	SWNE	30.00	T01N R01E S10	SENE	40.00
T01N R01E S11	SWNW	40.00			

Total Acres: 264

Conditions of Approval:

1. 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.
2. X27 This right is limited to the irrigation of 14.52 acres within the authorized place of use in a single irrigation season.
3. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of

water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/6/2007.

4. WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 937.43 af at the field headgate for the place of use.
5. 260 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
6. 261 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used on the land with an appurtenant surface water right(s) without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Rights 63-34303, 63-34305, 63-34306, 63-34307, 63-34308, 63-34309, 63-34310, 63-34311, and 63-34312 when combined shall not exceed a total diversion rate of 3.54 cfs, a total annual maximum diversion volume of 937.43 af at the field headgate, and the irrigation of 210.7 acres in a single irrigation season.
9. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
10. Rights 63-34307, 63-34309, 63-34310 and 63-34312 when combined shall not exceed a total diversion rate of 1.19 cfs, a total annual maximum diversion volume of 267 af at the field headgate, and the irrigation of 59.33 acres in a single irrigation season.

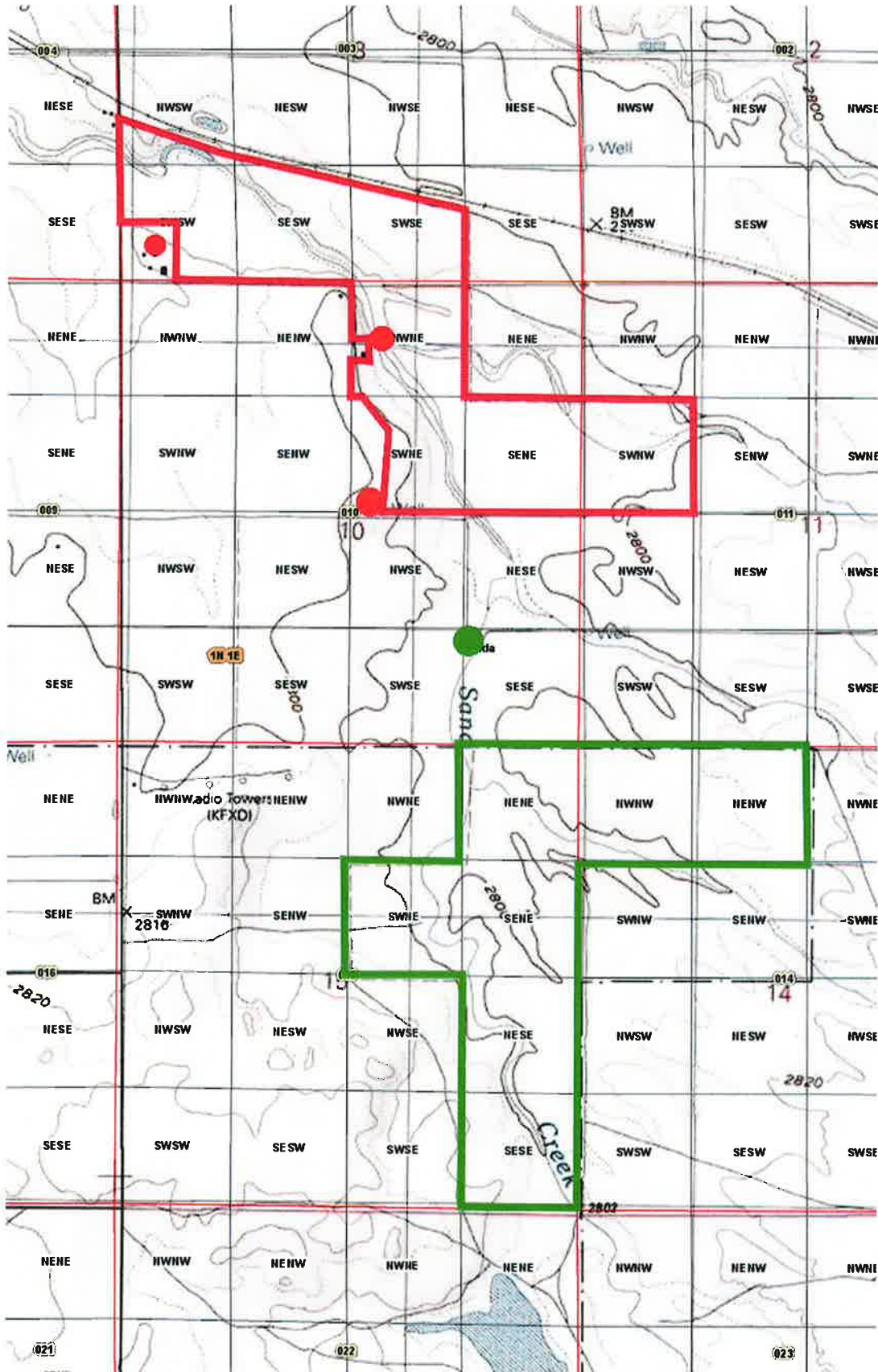
Decreed Date: 2/16/2007

Application for Transfer of Water Rights 63-34304, 63-34307, 63-34308 and 63-34310

POD Summary

Red Dots =
Existing Points
of Diversion
authorized
Under 63-
34304, 63-
34307, 63-
34308 and 63-
34310. These
POD's to remain
on these water
rights after
Transfer.

Green Dots =
Existing Point of
Diversion
authorized
under 63-34339.
This POD to be
added to 63-
34304, 63-
34307, 63-
34308 and 63-
34310 after
Transfer



POU Summary

Red Polygon =
Land 63-
34304, 63-
34307, 63-
34308 and
63-34310 to
be
transferred
from.

Green Polygon =
Land 63-
34304, 63-
34307, 63-
34308 and
63-34310 to
be
transferred
to.

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Friday, September 11, 2020 10:11 AM
To: 'waterdistrict63@qwestoffice.net'
Subject: Application for Permit 63-34951 & Transfer(s) 84109, 84291
Attachments: Watermaster Recommendation Form.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 by **10/05/2020**.

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 by **10/05/2020**, 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.

Kensie Thorneycroft
Administrative Assistant
IDWR Western Region
208-334-2190



Brad Little
Governor

State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082
Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Gary Spackman
Director

September 11, 2020

CS PROPERTY DEVELOPMENT LLC
PO BOX 27
BOISE, ID 83707-0027

RE: Transfer No. 84109

Water Right No(s). 63-34303, 63-34304, 63-34305, 63-34306, 63-34307, 63-34308, 63-34309, 63-34310, 63-34311, 63-34312, 63-34339

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 STATESMAN on 9/17/2020 and 9/24/2020. 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,

A handwritten signature in blue ink, appearing to read 'Kensie Thorneycroft'.

Kensie Thorneycroft
Administrative Assistant

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Friday, September 11, 2020 9:55 AM
To: 'BOI Legals'
Subject: Ada Legal Notice
Attachments: CoverLetter.docx; LegalNotice.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Legal Clerk,

I am sending you the new legal notices, please send confirmation to my email.

Please see the attached ad for publication on 09/17/2020 and 09/24/2020.

Please confirm these are okay to publish as shown.

Kensie Thorneycroft
Administrative Assistant
IDWR Western Region
208-334-2190



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

September 11, 2020

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

RE: Application for Permit No. 63-34951
Application for Amendment of Permit No. 63-33207, 63-34038, 63-34385

Transfer No. 84109
Water Right No(s). 63-34303, 63-34304, 63-34305, 63-34306, 63-34307, 63-34308, 63-34309, 63-34310, 63-34311, 63-34312, 63-34339

Transfer No. 84291
Water Right No(s). 63-226, 63-227, 63-2279, 63-228, 63-229, 63-2374, 63-2389, 63-266, 63-267, 63-268, 63-299, 63-300, 63-33252, 63-33682, 63-33683, 63-33735, 63-33736A, 63-33736B, 63-4007, 63-4008, 63-4010

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 10/5/2020. Your cooperation is appreciated.

Sincerely,

Kensie Thorneycroft
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-34951

TODD W CORMAN

2565 S MILL POINT LN

BOISE, ID 83712-8512

Point of Diversion L4(NESW) S19 T03N R03E ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.11 CFS

Total Diversion: 0.11 CFS

Date Filed: 08-17-2020

Place Of Use: IRRIGATION

T03N R03E S19 L4(NESW),L3(NWSW)

Total Acres: 3.5

Water bearing zone to be appropriated is from 200 to 300 feet.

PROPOSED AMENDMENT OF WATER PERMIT

63-33207

CS PROPERTY DEVELOPMENT LLC, PO BOX 27, BOISE, ID 83707-0027 filed an application to amend permit no. 63-33207 on 05-22-2020. Application proposes to add to area within sections 3, 10, 11, 14, and 15 of T01N R01E to industrial place of use and add 4 points of diversion – one in T01N R01E Sec 3 SWSW, one in T01N R01E Sec 10 NWNE, one in T01N R01E Sec 10 SWNE, and one in T01N R01 Sec 10 SESE to the current system. Application will not change water use purpose or quantity.

63-34038

CS PROPERTY DEVELOPMENT LLC, PO BOX 27, BOISE, ID 83707-0027 filed an application to amend permit no. 63-34038 on 05-22-2020. Application proposes to add to area within sections 3, 10, 11, 14, and 15 of T01N R01E to industrial place of use and add 4 points of diversion – one in T01N R01E Sec 3 SWSW, one in T01N R01E Sec 10 NWNE, one in T01N R01E Sec 10 SWNE, and one in T01N R01 Sec 10 SESE to the current system. Application will not change water use purpose or quantity. Application proposes no changes to the permitted irrigation uses.

63-34385

CS PROPERTY DEVELOPMENT LLC, PO BOX 27, BOISE, ID 83707-0027 filed an application to amend permit no. 63-34385 on 08-19-2020. Application proposes to change the place of use to 264 acres within T01N R01E Sec 14 & 15 and proposes to add a point of diversion in the SESE quarter-quarter of T01N R01E Sec 10.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 84109

CS PROPERTY DEVELOPMENT LLC, PO BOX 27, BOISE, ID 83707-0027 has filed Application No. 84109 for changes to the following water rights within ADA County(s): Right No(s). 63-34303, 63-34304, 63-34305, 63-34306, 63-34307, 63-34308, 63-34309, 63-34310, 63-34311, 63-34312, 63-34339; 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: Transfer proposes changing the place of use and establishing a permissible place of use for 11 irrigation water rights (63-34303 thru 63-34312, and 63-34339), Water will be used within a 265-acre boundary in Ada County, on the east side of S Cloverdale Rd., off the intersection of S Cloverdale and Barker Rd., and within a separate 287-acre boundary 0.5 miles south of the 265-acre boundary. Transfer also proposes adding point(s) of diversion to 9 of those water rights, (63-34-34304 thru 63-34311, and 63-34312). Water will be taken from 4 ground water points of diversion near and within the proposed place of use boundaries. (Transfer will not change the points of diversion of surface water rights 63-34303 and 63-34312).

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 84291

RIVERSIDE IRRIGATION DISTRICT LTD, 120 N THIRD ST PO BOX 1080, PARMA, ID 83660 has filed Application No. 84291 for changes to the following water rights within CANYON County(s): Right No(s). 63-226, 63-227, 63-2279, 63-228, 63-229, 63-2374, 63-2389, 63-266, 63-267, 63-268, 63-299, 63-300, 63-33252, 63-33682, 63-33683, 63-33735, 63-33736A, 63-33736B, 63-4007, 63-4008, 63-4010; 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: Riverside Irrigation District LTD is an irrigation district that operates multiple water rights within Canyon County. The company filed transfer no. 84291 to change the place of use on its irrigation rights to include an additional 90 acres within its service boundary. The new acres will be irrigated from treasury shares that have been returned to Riverside.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western office at (208)334-2190; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 10/5/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/17/2020 and 9/24/2020



J.R. Simplot Company
P.O. Box 27, Boise, Idaho
83707 0027

1099 West Front Street
Boise, Idaho 83702

Vic.conrad@simplot.com
208 780 7359 Business
208 780 7333 Fax

RECEIVED

JUL 24 2020

WATER RESOURCES
WESTERN REGION

July 22, 2020

Anna Kaiser
Water Resource Agent
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Transfer No. 84109.

Dear Anna:

In response to your letter dated June 25, 2020 a corrected application to amend IDWR permit no. 63-34038 (originally incorrectly identified as permit no. 63-34308) was returned to you on July 2, 2020. Together, we also agreed that the water rights involved in the original transfer application contain certain combined use limits; a different state than the "stacking" of water rights. The remaining item to address is treating the "supplemental" condition of the groundwater rights contained in the transfer application.

Enclosed for filing is a revision to the transfer application to include the primary water rights and the supplemental water rights in a permissible place of use. These water rights include 63-34303, 63-34304, 63-34305, 63-34306, 63-34307, 63-34308, 63-34309, 63-34310, 63-34311, 63-34312 and 63-34339. The combined flow rate increases with this revised transfer application resulting in increasing the filing fee by \$400. To cover the additional amount of the fee a check in the amount of \$400.00 is enclosed.

Should you have any further questions about the enclosed transfer application, please contact me.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE

Governor

June 25, 2020

GARY SPACKMAN

Director

CS PROPERTY DEVELOPMENT LLC
PO BOX 27
BOISE ID 83707

COPY

**Re: Application for Amendment of Permit 63-34308 – Returned
Transfer 84109 – Information Needed**

Dear Applicant,

On May 22, 2020, the Idaho Department of Water Resources (Department) received transfer application no. 84109 and applications for amendment of permit for water nos. 63-34308, 63-33207, and 63-34385 all in the name of CS Property Development LLC. This letter serves two purposes – (i.) returning your application for amendment of permit no. 63-34308 and (ii.) requesting additional information regarding your transfer application no. 84109.

Water right no. 63-34308 is a decreed water right, not a water permit. Decreed water rights cannot be changed through an amendment of permit. The Department is returning application for amendment of permit no. 63-34308 to you at this time and will refund you the \$100.00 application processing fee.

After an initial review of transfer application 84109, the Department determined the application cannot be processed until the following items are addressed:

- *Concern of enlargement in unstacking water rights:*

Water rights are considered stacked “when two or more water rights, generally of different priorities and often from different sources, are used for the same use and overlie the same place of use” (Transfer Processing Memo 24-5(d) (3)). The four water rights listed on your transfer application are historically stacked with six other water rights (63-34303, 63-34305, 63-34306, 63-34309, 63-34311, and 63-34312). Your transfer proposes changing the POU of water rights 63-34304, 63-34307, 63-34308, and 63-34310 without changing the POU for the other six stacked irrigation rights within this stacked group. The POU transfer for these four water rights exclusively is concerning to the Department as “unstacking” is presumed to enlarge some or all of the water rights within a stacked group.

- *Supplemental ground water irrigation rights generally cannot be transferred to a place of use (POU) without surface water:*

Supplemental irrigation rights are “stacked water right(s) authorizing the diversion of water for irrigation from a secondary source to provide a full supply for crops when used in combination with a primary right” (Transfer Processing Memo 24-5(d) (4)). Your transfer proposes to change the POU and point of diversion (POD) of water rights 63-34304, 63-34307, 63-34308, and 63-34310. These four water rights are all “supplemental ground water rights” and thus can only be used as secondary sources in conjunction with primary surface water rights within a common POU. In other words, the four rights listed in your transfer cannot be used to irrigate an area of land if that land is lacking surface water irrigation rights. The POU your transfer proposes does not currently have surface irrigation rights nor does your transfer currently propose changing the POU of CS Property LLC’s surface water irrigation rights (63-34303 & 63-34312).

The Department cannot process your transfer application until you provide sufficient evidence that (i.) surface water will be available for irrigation at your proposed POU and (ii.) this transfer will not result in enlargement of any water right due to unstacking historically stacked water rights. How you wish to proceed with this transfer application is ultimately up to you. For your reference and hopefully to provide you with useful information, I enclosed water right reports and a map for each of the ten of CS Property LLC's water rights in the stacked group described above. On the reports, I highlighted the source of each water right in pink, and highlighted the condition describing combined use limits for the stacked water rights group and condition 206-defining the groundwater rights as supplemental in yellow. I also enclosed a copy of your transfer no. 84109 for your reference.

You may submit information to the Department's Western Regional Office by mail or in person to the address listed below, or email to me at anna.kaiser@idwr.idaho.gov. If you have any questions please do not hesitate to call me at (208)-334-2190.

Sincerely,



Anna Kaiser
Water Resource Agent
Idaho Dept. of Water Resources | Western Regional Office
2735 W Airport Way, Boise ID 83705

Enclosures: RETURNED Application for Amendment of a Permit (water right 63-34308)
 (10) Water Right Reports (63-34303 – 63-34312)
 COPY of CS Property LLC's Transfer No. 84109



J.R. Simplot Company
P.O. Box 27, Boise, Idaho
83707 0027

1099 West Front Street
Boise, Idaho 83702

Vic.conrad@simplot.com
208 780 7359 Business
208 780 7333 Fax

RECEIVED

MAY 26 2020

WATER RESOURCES
WESTERN REGION

May 20, 2020

Nick Miller, Manager
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

**Re: IDWR Water Right Nos. 63-34304, 63-34307, 63-34308, 63-34310 and IDWR
Water Right Permit 63-34385.**

Dear Nick:

Enclosed for filing is an application to transfer the above referenced water rights to change the place of use and add a point of diversion. Also enclosed for filing is an application to amend the related above referenced permit to add a point of diversion and change the place of use.

A check in the amount of \$600.00 to cover your fee for filing the enclosed transfer application (\$500.00) and the enclosed permit amendment application (\$100.00) is also enclosed.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosure

