

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 83973  
**RECEIVED**  
**JUL 06 2020**  
DEPT OF WATER RESOURCES  
SOUTHERN REGION

**MINIMUM REQUIREMENTS CHECKLIST**  
**TO BE SUBMITTED WITH APPLICATION FOR TRANSFER**

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

Name of Applicant(s) NOLAN K BRANCH AND LUANN S BRANCH

**Check whether each item below is attached (Yes) or not applicable (N/A) for the proposed transfer.**

**Yes N/A** \*Means the item is always required and must be included with the application.

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

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

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

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 06 2020

DEPT OF WATER RESOURCES  
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

Name of Applicant NOLAN K BRANCH Phone (208) 260-1020

Mailing Address PO BOX 24, MALTA ID 83342-0024 Email branchfarms@hotmail.com

Name of Applicant LUANN S BRANCH Phone (208) 260-1020

Mailing Address PO BOX 24, MALTA ID 83342-0024 Email branchfarms@hotmail.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

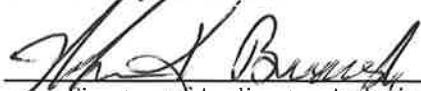
☐ Send original correspondence to the applicant and copies to the representative.

☐ 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

NOLAN K BRANCH  
Print Name and Title if applicable

6-23-20  
Date

  
Signature of Applicant or Authorized Representative

LUANN S BRANCH  
Print Name and Title if applicable

6-23-20  
Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	43-4238A	No	Yes	Yes	Yes	No	No
	43-10151	No	No	Yes	Yes	No	No

Associated Right(s): 43-4238B , 43-13764 , 43-13767

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1 Continued**

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**

Moving water right 43-4238A from feedlot to dairy and changing ownership to Branch Farms LLC. Also adding  
two wells to 43-10151 and updating place of use and ownership.

**B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

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

**Summary of Water Rights After the Approved Change**

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
<b>43-4238A</b>	0.275 cfs	199.0 af	N/A	N/A		N/A	N/A	N/A	N/A
<b>43-10151</b>	0.040 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
<b>COMBINED TOTALS</b>	0.315 cfs	199.0 af	N/A	N/A		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 0.315 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum

3. Points(s) of Diversion:

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

4. Place of Use:

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

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

**Proposed Water Right No.** 43-4238A

Current Water Right Owner

BRANCH FARMS LLC  
PO BOX 24  
MALTA, ID 83342-0024

Priority Date: 1/22/1960

Origin: Water Right

Basis: Decreed

Status Active

**Source:** GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01	12/31	0.275 CFS	199.0 AFA	
DOMESTIC	1/1	12/31	0.040 CFS		
Total Diversion			0.275 CFS	199.0 AFA	

**Source and Point(s) of Diversion:**

GROUND WATER	NWSE	Sec. 28 Twp 13S Rge 27E CASSIA County
GROUND WATER	NWSE	Sec. 28 Twp 13S Rge 27E CASSIA County
GROUND WATER	SWSE	Sec. 28 Twp 13S Rge 27E CASSIA County

**Place of Use:** STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	28													X	X	X	X	

**Place of Use:** DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	28														X	X		

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

**Proposed Water Right No.** 43-10151

Current Water Right Owner  
BRANCH FARMS LLC  
PO BOX 24  
MALTA, ID 83342-0024

Priority Date: 9/30/1971

Origin: Water Right

Basis: Decreed

Status Active

**Source:** GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
DOMESTIC	1/01	12/31	0.040 CFS	
Total Diversion			0.040 CFS	

**Source and Point(s) of Diversion:**

GROUND WATER	NWSE	Sec. 28 Twp 13S Rge 27E CASSIA County
GROUND WATER	NWSE	Sec. 28 Twp 13S Rge 27E CASSIA County
GROUND WATER	SWSE	Sec. 28 Twp 13S Rge 27E CASSIA County

**Place of Use:** DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	28														X	X		

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future

Developed diversion system providing water to dairy authorized under water rights 43-13123 & 43-13125.

Measuring device already installed.

- b. Who owns the property at the point(s) of diversion

Applicant

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?  
**No, ☒ If Yes, ☐**

Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

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

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

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

☐ Yes  
☐  
☐  
☐

No

☒

☒

☒

☒

undergone a period of five or more consecutive years of non-use;

currently leased to the Water Supply Bank,

currently used in a mitigation plan limiting the use of water under the right, or

currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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

**Current Water Right No. 43-4238A**

Current Water Right Owner

NOLAN K BRANCH  
PO BOX 24  
MALTA, ID 83342-0024

AND

LUANN S BRANCH  
PO BOX 24  
MALTA, ID 83342-0024

Priority Date: 1/22/1960

Origin: Water Right

Basis: Decreed

Status: Active

**Source: GROUND WATER**

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	01/01	12/31	0.040 CFS		
STOCKWATER	01/01	12/31	0.275 CFS	199.0 AFA	
Total Diversion			0.275 CFS	199.0 AFA	

**Source and Point(s) of Diversion:**

GROUND WATER  
GROUND WATER

SWNE  
SENW

Sec. 30 Twp 13S Rge 27E CASSIA County  
Sec. 30 Twp 13S Rge 27E CASSIA County

**Place of Use: DOMESTIC**

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	19																X	0.0

**Place of Use: STOCKWATER**

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	19																X	0.0
13S	27E	30		X	X		X			X									0.0

**Conditions/Remarks:**

1. 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 No143.
2. 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).
3. Rights 43-4238B, 43-4238A, 43-13764 and 43-13767 when combined shall not exceed a total diversion rate of 0.40 cfs and total annual maximum diversion volume of 279 af.
4. The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
5. Stockwater is for a feedlot.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT

**Conditions/Remarks:**

8. 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.





# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 3

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**. If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

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

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

Received By \_\_\_\_\_ Date 6/4/2020 Prelim. Check By \_\_\_\_\_ Date \_\_\_\_\_  
 Fee Paid SG 525-125 Date 6/6/20 Received By SG Receipt # S037959 / S038018  
 Add'l Fee Paid \_\_\_\_\_ Date \_\_\_\_\_ Received By \_\_\_\_\_ Receipt # \_\_\_\_\_

Pl 5

CASSIA COUNTY  
RECORDED FOR:  
TITLEONE - BURLEY  
03:53:11 PM 08-14-2015  
**2015-003598**  
NO. PAGES: 3 FEE: \$16.00  
JOSEPH W. LARSEN  
COUNTY CLERK  
DEPUTY: HYoung  
Electronically Recorded by Simplifile

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

Branch Farms LLC  
c/o Nolan Branch  
2304 E. 1850 S.  
Malta, ID 83342

ELECTRONICALLY RECORDED  
STAMPED FIRST PAGE NOW  
INCORPORATED AS PART OF  
THE ORIGINAL DOCUMENT.

(SPACE ABOVE LINE FOR RECORDER'S USE)

### SPECIAL WARRANTY DEED

Special Warranty Deed made this 14 day of August, 2015, by and among Alvin Carpenter and Mary Joyce Carpenter, husband and wife, collectively the Grantors; and Branch Farms LLC, an Idaho limited liability company, Grantee, with a current business address of 2304 E. 1850 S., Malta, Idaho 83342, witnesseth:

That Grantor, for and in consideration of the sum of Ten Dollars and No Cents (\$10.00), and other good and valuable consideration, the receipt whereof is hereby acknowledged, does, by these presents, convey unto Grantee and its successors and assigns forever, all the following described real estate situated in the County of Cassia, State of Idaho in the percentage amounts set forth above:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the rents, issues and profits thereof; and all estate, right, title and interest in and to the property, as well in law as in equity, except as expressly provided otherwise herein.

To have and to hold, all and singular the above-described premises together with the appurtenances unto Grantee and its heirs and assigns forever.

Grantor warrants that Grantor has not conveyed the same estate to any person other than Grantee and that such estate is at the time of the execution of this instrument free from encumbrances done, made or suffered by the Grantor, or any person claiming under Grantor, subject to any and all easements, restrictions, agreements, encumbrances of record or appearing on the land as of the date of this instrument, and encumbrances disclosed by Grantors to Grantee.

Alvin Carpenter  
Alvin Carpenter, Grantor

Mary J. Carpenter  
Mary Joyce Carpenter, Grantor

Notary Acknowledgment - see page 2

SPECIAL WARRANTY DEED - P. 1

TRANSFER 83973 (4 pgs)

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

Branch Farms LLC  
c/o Nolan Branch  
2304 E. 1850 S.  
Malta, ID 83342

---

(SPACE ABOVE LINE FOR RECORDER'S USE)

### SPECIAL WARRANTY DEED

Special Warranty Deed made this 14 day of August, 2015, by and among Alvin Carpenter and Mary Joyce Carpenter, husband and wife, collectively the Grantors; and Branch Farms LLC, an Idaho limited liability company, Grantee, with a current business address of 2304 E. 1850 S., Malta, Idaho 83342, witnesseth:

That Grantor, for and in consideration of the sum of Ten Dollars and No Cents (\$10.00), and other good and valuable consideration, the receipt whereof is hereby acknowledged, does, by these presents, convey unto Grantee and its successors and assigns forever, all the following described real estate situated in the County of Cassia, State of Idaho in the percentage amounts set forth above:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the rents, issues and profits thereof; and all estate, right, title and interest in and to the property, as well in law as in equity, except as expressly provided otherwise herein.

To have and to hold, all and singular the above-described premises together with the appurtenances unto Grantee and its heirs and assigns forever.

Grantor warrants that Grantor has not conveyed the same estate to any person other than Grantee and that such estate is at the time of the execution of this instrument free from encumbrances done, made or suffered by the Grantor, or any person claiming under Grantor, subject to any and all easements, restrictions, agreements, encumbrances of record or appearing on the land as of the date of this Instrument, and encumbrances disclosed by Grantors to Grantee.

Alvin Carpenter  
Alvin Carpenter, Grantor

Mary J. Carpenter  
Mary Joyce Carpenter, Grantor

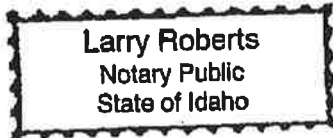
Notary Acknowledgment – see page 2

STATE OF IDAHO

COUNTY OF Cassia )  
SS.

On this 14 day of August, 2015, before me, the undersigned Notary Public in and for said State, personally appeared Alvin Carpenter and Mary Joyce Carpenter, known or identified to me to be the persons whose names are subscribed to the within Instrument, and acknowledged to me that they executed the same.

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



*[Handwritten Signature]*

NOTARY PUBLIC, State of Idaho

Residing at: Luna Falls, ID

My commission expires: 6-30-21

**Exhibit A**  
**(property description)**

The following described real property situated in Cassia County, State of Idaho, to wit:

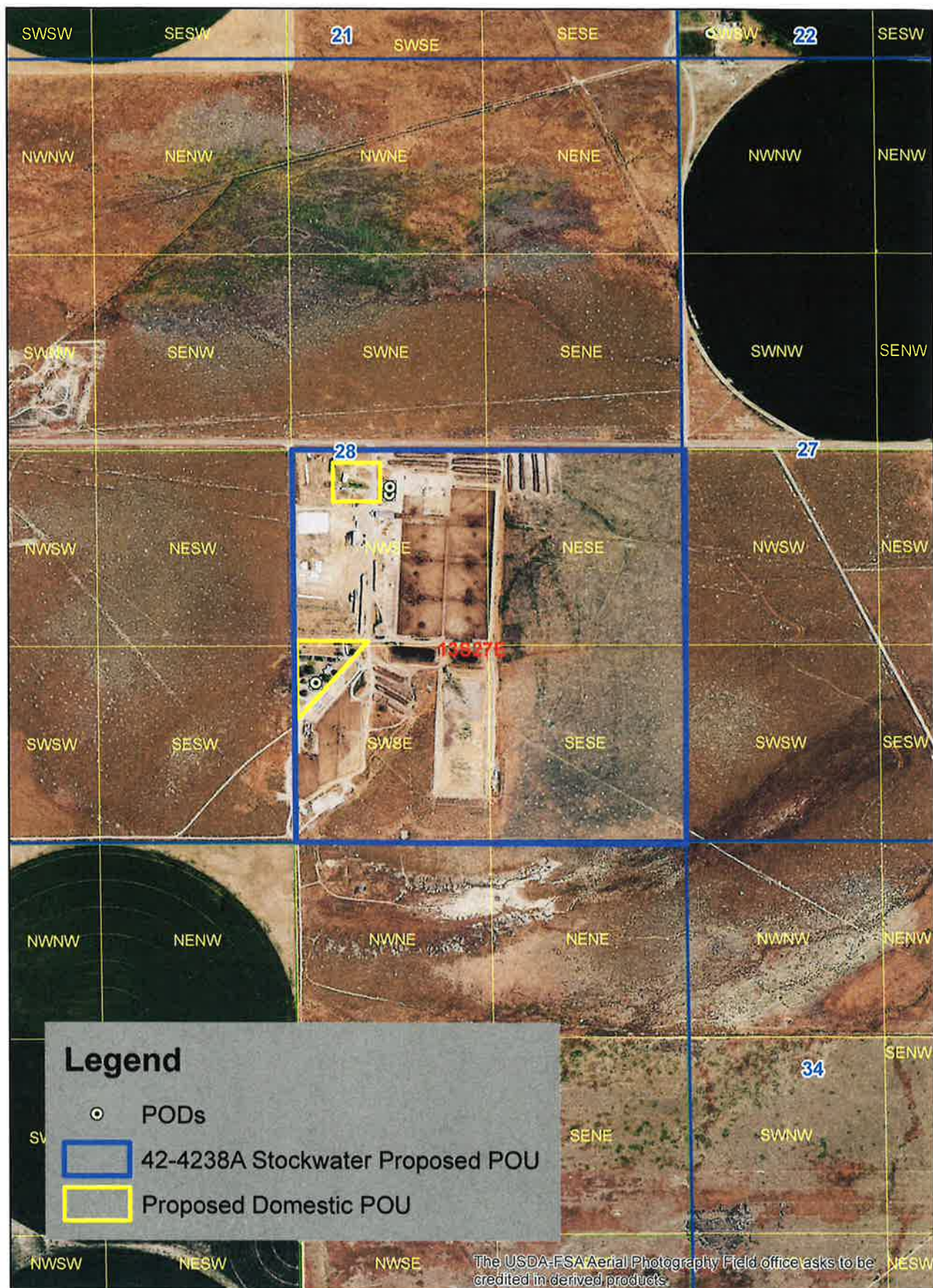
**TOWNSHIP 13 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN, CASSIA  
COUNTY, IDAHO**

**Section 28: SE¼**

Said real property is more commonly known as: \_\_\_\_\_, Malta, Idaho.



# Attachment 7A





## Attachment 7B: Current POU WR 43-4238A



**TRANSFER 83973**



# Attachment 7B: Current POU WR 43-4238A



TRANSFER 83973



0003760104

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

Idaho Secretary of State  
PO Box 83720  
Boise, ID 83720-0080  
(208) 334-2301  
Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0003760104

Date Filed: 2/3/2020 8:07:35 AM

## Entity Name and Mailing Address:

BRANCH FARMS LLC

The file number of this entity on the records of the Idaho Secretary  
of State is: 0000223540

Address PO BOX 24  
MALTA, ID 83342-0024

## Entity Details:

Entity Status Active-Existing

This entity is organized under the laws of: IDAHO

If applicable, the old file number of this entity on the records of the  
Idaho Secretary of State was: W70993

## The registered agent on record is:

Registered Agent NOLAN BRANCH  
Registered Agent  
Physical Address  
45 WEST 400 NORTH  
MALTA, ID 83342  
Mailing Address  
PO BOX 24  
MALTA, ID 83342-0024

## Limited Liability Company Managers and Members

Name	Title	Business Address
NOLAN BRANCH	Member	PO BOX 24 MALTA, ID 83342
LUANN BRANCH	Member	PO BOX 24 MALTA, ID 83342

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

*nolan k branch*

Sign Here

*02/03/2020*

Date

Job Title: partner

B0479-8527 02/03/2020 8:07 AM Received by ID Secretary of State Lawrence Denney

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 83973

**RECEIVED**

JUN 04 2020

DEPT OF WATER RESOURCES  
SOUTHERN REGION

**MINIMUM REQUIREMENTS CHECKLIST**  
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

Name of Applicant(s) NOLAN K BRANCH AND LUANN S BRANCH

**Check whether each item below is attached (Yes) or not applicable (N/A) for the proposed transfer.**

**Yes N/A** \*Means the item is always required and must be included with the application.

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

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

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



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 04 2020

DEPT OF WATER RESOURCES  
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

Name of Applicant NOLAN K BRANCH Phone (208) 260-1020  
Mailing Address PO BOX 24, MALTA ID 83342-0024 Email branchfarms@hotmail.com  
Name of Applicant LUANN S BRANCH Phone (208) 260-1020  
Mailing Address PO BOX 24, MALTA ID 83342-0024 Email branchfarms@hotmail.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.

Nolan K Branch  
Signature of Applicant or Authorized Representative

Nolan K Branch  
Print Name and Title if applicable

May 10, 2020  
Date

LuAnn S Branch  
Signature of Applicant or Authorized Representative

LuAnn S. Branch  
Print Name and Title if applicable

May 10, 2020  
Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	43-4238A	No	Yes	Yes	Yes	No	No

Associated Right(s): 43-4238B , 43-13764 , 43-13767

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1 Continued

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**

Moving stock water right 43-4238A from feedlot to dairy and changing ownership to Branch Farms LLC.

B. **DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

1. Detailed Water Right Description(s) Attached label: Part 1.

**Summary of Water Rights After the Approved Change**

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acres Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
43-4238A	0.275 cfs	199.0 af	N/A	N/A		N/A	N/A	N/A	N/A
<b>COMBINED TOTALS</b>	0.275 cfs	199.0 af	N/A	N/A		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 0.275 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum

3. Points(s) of Diversion:

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

4. Place of Use:

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

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

**Proposed Water Right No.** 43-4238A

Current Water Right Owner  
BRANCH FARMS LLC  
PO BOX 24  
MALTA, ID 83342-0024

Priority Date: 1/22/1960

Origin: Water Right

Basis: Decreed

Status Active

**Source:** GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01	12/31	0.275 CFS	199.0 AFA	
Total Diversion			0.275 CFS	199.0 AFA	

**Source and Point(s) of Diversion:**

GROUND WATER	NWSE	Sec. 28 Twp 13S Rge 27E CASSIA County
GROUND WATER	NWSE	Sec. 28 Twp 13S Rge 27E CASSIA County
GROUND WATER	SWSE	Sec. 28 Twp 13S Rge 27E CASSIA County

**Place of Use:** STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	28													X	X	X	X	

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future

Developed diversion system providing water to dairy authorized under water rights 43-13123 & 43-13125.

Measuring device already installed.

- b. Who owns the property at the point(s) of diversion

Applicant

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?  
No, ☒ If Yes, ☐

Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

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

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

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

☐ Yes

☐ No

☐

☒

undergone a period of five or more consecutive years of non-use,

☐

☒

currently leased to the Water Supply Bank,

☐

☒

currently used in a mitigation plan limiting the use of water under the right, or

☐

☒

currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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

**Current Water Right No.** 43-4238A

Current Water Right Owner

NOLAN K BRANCH  
PO BOX 24  
MALTA, ID 83342-0024

AND

LUANN S BRANCH  
PO BOX 24  
MALTA, ID 83342-0024

Priority Date: 1/22/1960

Origin: Water Right

Basis: Decreed

Status: Active

**Source:** GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	01/01	12/31	0.040 CFS		
STOCKWATER	01/01	12/31	0.275 CFS	199.0 AFA	
Total Diversion			0.275 CFS	199.0 AFA	

**Source and Point(s) of Diversion:**

GROUND WATER

SWNE

Sec. 30 Twp 13S Rge 27E CASSIA County

GROUND WATER

SENW

Sec. 30 Twp 13S Rge 27E CASSIA County

**Place of Use:** DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	19																X	0.0

**Place of Use:** STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	19																X	0.0
13S	27E	30		X	X					X									0.0

**Conditions/Remarks:**

1. 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 No143.
2. 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).
3. Rights 43-4238B, 43-4238A, 43-13764 and 43-13767 when combined shall not exceed a total diversion rate of 0.40 cfs and total annual maximum diversion volume of 279 af.
4. The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
5. Stockwater is for a feedlot.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT

Conditions/Remarks:

8. 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.

*Superseded*

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.  
If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

*Supplemental*

FOR DEPARTMENT USE ONLY

Transfer Contains 8 pages and 5 attachments.  
Received By SG Date 6/4/20 Prelim. Check By SG Date 6/4/20  
Fee Paid \$525.00 Date 6/4/20 Received By SG Receipt # 5037959  
Add'l Fee Paid                      Date                      Received By                      Receipt #



# Attachment 7A: Proposed POU & PODs for WR 43-4238A



# Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 103591

Publication	Times News		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	198.15
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	198.15
Fax			
Section	Legals	Start/End Dates	07/16/2020 - 07/23/2020
SubSection		Insertions	2
Category	50 Legal	Size	130
Ad Key	103591-1	Salesperson(s)	Ruby Aufderheide
Keywords	App 47-17719, Transfer #'s 83973, 84147	Taken By	Ruby Aufderheide
Notes			

Ad Proof

**Proof of Legal Notice  
received from Times News  
7/10/2020**

DM



# Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 103591

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

**47-17719**

4799A RIVER ROAD LLC

357 MC CASLIN BLVD STE 200

LOUISVILLE, CO 80027-2932

Point of Diversion NWSE S32 T08S R14E TWIN FALLS

County Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 06-02-2020

Place Of Use: DOMESTIC

T08S R14E S32 NWSE

Application for permit proposes to divert 0.04 cfs for domestic use from an existing well. The proposed well and place of use are located approximately 8.8 miles south and 2.8 miles east of Hagerman. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

## NOTICE OF PROPOSED CHANGE OF WATER RIGHT

### TRANSFER NO. 83973

NOLAN K BRANCH and LUANN S BRANCH, PO BOX 24, MALTA, ID 83342-0024 has filed Application No. 83973 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10151, 43-4238A. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the points of diversion and place of use for a 0.275 cfs stockwater / domestic ground water right that is currently diverted approximately 2.5 to 3.0 miles south and 1.0 to 1.5 miles east of Malta. The application proposes moving the right to a new place of use and diverting it from three existing wells at an existing dairy facility located approximately 3.0 to 3.5 miles south and 3.2 to 3.6 miles east of Malta. Application also proposes adding two of the existing wells and modifying the place of use for a 0.04 cfs domestic ground water right currently in use and diverted from the third well at the dairy facility.

## NOTICE OF PROPOSED CHANGE OF WATER RIGHT

### TRANSFER NO. 84147

TERRISA J BERG and LOUIS N BERG, 19032 HIGHWAY 30, BUHL, ID 83316-5060 has filed Application No. 84147 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-7520. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the point of diversion (POD) for a 1/9 portion (0.06 cfs and 9.1 AF) of a ground water right that currently authorizes heating use. The proposed new POD is an existing well located approximately 400 feet south of the current authorized POD, approximately 1.8 miles east and 7.9 miles south of Hagerman.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before August 3, 2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on July 16th & 23rd, 2020





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Brad Little  
Governor

Gary Spackman  
Director

July 9, 2020

NOLAN K BRANCH  
LUANN S BRANCH  
PO BOX 24  
MALTA, ID 83342-0024

RE: Transfer No. 83973  
Water Right No(s). 43-10151, 43-4238A

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 **TIMES NEWS on 7/16/2020 and 7/23/2020**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **August 3, 2020**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

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

Sincerely,  
*Denise Maline*

Denise Maline  
Administrative Assistant 1

c: Rabo Agrifinance LLC, Chesterfield, MO



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

Brad Little  
Governor

Gary Spackman  
Director

July 9, 2020

WATER DISTRICT 143  
NATHAN ERICKSON  
650 ADDISON AVE W STE 500  
TWIN FALLS, ID 83301-5858

RE: Application for Transfer No. 83973 (Nolan & Luann Branch)

Dear Nathan:

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

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

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

*Denise Maline*

Denise Maline  
Administrative Assistant 1

Enclosure(s)

**Maline, Denise**

---

**From:** Maline, Denise  
**Sent:** Thursday, July 09, 2020 10:58 AM  
**To:** Times News  
**Subject:** LEGAL NOTICE  
**Attachments:** Times News cover letter.docx; Times News ad.docx

Attached please find **(1)** legal notice being submitted for publication on July 16<sup>th</sup> & 23<sup>rd</sup>, 2020. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

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





**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

**Phone: (208)736-3033 • Fax: (208)736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)**

**Brad Little**  
Governor

**Gary Spackman**  
Director

July 9, 2020

**LEGAL NOTICE DEPARTMENT**

**TIMES NEWS**

**PO BOX 548**

**TWIN FALLS, ID 83303-0548**

RE: Application for Permit No. 47-17719

RE: Transfer No. 83973

Water Right No(s). 43-10151, 43-4238A

RE: Transfer No. 84147

Water Right No(s). 47-7520

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before August 3, 2020. Your cooperation is appreciated.

Sincerely,

*Denise Maline*

Denise Maline  
Administrative Assistant 1

Enclosure(s)

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

**47-17719**

4799A RIVER ROAD LLC

357 MC CASLIN BLVD STE 200

LOUISVILLE, CO 80027-2932

Point of Diversion NWSE S32 T08S R14E TWIN FALLS County Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 06-02-2020

Place Of Use: DOMESTIC

T08S R14E S32 NWSE

Application for permit proposes to divert 0.04 cfs for domestic use from an existing well. The proposed well and place of use are located approximately 8.8 miles south and 2.8 miles east of Hagerman. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

#### **NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

##### **TRANSFER NO. 83973**

NOLAN K BRANCH and LUANN S BRANCH, PO BOX 24, MALTA, ID 83342-0024 has filed Application No. 83973 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10151, 43-4238A. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the points of diversion and place of use for a 0.275 cfs stockwater / domestic ground water right that is currently diverted approximately 2.5 to 3.0 miles south and 1.0 to 1.5 miles east of Malta. The application proposes moving the right to a new place of use and diverting it from three existing wells at an existing dairy facility located approximately 3.0 to 3.5 miles south and 3.2 to 3.6 miles east of Malta. Application also proposes adding two of the existing wells and modifying the place of use for a 0.04 cfs domestic ground water right currently in use and diverted from the third well at the dairy facility.

#### **NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

##### **TRANSFER NO. 84147**

TERRISA J BERG and LOUIS N BERG, 19032 HIGHWAY 30, BUHL, ID 83316-5060 has filed

Application No. 84147 for changes to the following water rights within TWIN FALLS County(s): Right

No(s). 47-7520. The purpose of the transfer is to change a portion of the above rights as follows:

Application for transfer proposes to change the point of diversion (POD) for a 1/9 portion (0.06 cfs and 9.1 AF) of a ground water right that currently authorizes heating use. The proposed new POD is an existing well located approximately 400 feet south of the current authorized POD, approximately 1.8 miles east and 7.9 miles south of Hagerman.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **August 3, 2020**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on July 16<sup>th</sup> & 23<sup>rd</sup>, 2020

## **M E M O R A N D U M**

**Date:** July 7, 2020  
**To:** Transfer 83973 File  
**From:** Bill Mills  
**Re:** Transfer Proposal

Application proposes changing the points of diversion and place of use for a 0.275 cfs stockwater/domestic ground water right that is currently diverted approximately 2.5 to 3.0 miles south and 1.0 to 1.5 miles east of Malta. The application proposes moving the right to a new place of use and diverting it from three existing wells at an existing dairy facility located approximately 3.0 to 3.5 miles south and 3.2 to 3.6 miles east of Malta. Application also proposes adding two of the existing wells and modifying the place of use for a 0.04 cfs domestic ground water right currently in use and diverted from the third well at the dairy facility.

Ownership of the water rights will also change as a result of processing this transfer to the current owner of the dairy facility.

All PODs and POUs are within Water District 143 and Watermaster comments will be solicited.

## MEMORANDUM

**Date:** July 7, 2020  
**To:** Transfer 83973 File  
**From:** Bill Mills  
**Re:** Fee Evaluation

---

Filing fees charged for transfer application #83973 are based on the current transfer fee schedule and are set at \$500.00 for the 0.315 cfs being transferred in the application and an additional \$50.00 for processing change of ownership of the two rights in the transfer (\$525.00 paid receipt #S037959; \$25.00 paid receipt #S038018).



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

Brad Little  
Governor

Gary Spackman  
Director

June 19, 2020

NOLAN & LUANN BRANCH  
PO BOX 24  
MALTA ID 83342-0024

Mr. & Mrs. Branch:

Please find enclosed an Amended Application for Transfer #83793. Please review the transfer for accuracy. The transfer proposes moving water right 43-4238A (0.275 cfs; 199 af) from the feedlot to the dairy location and changes the ownership to Branch Farms LLC. The amendment also adds all three points of diversion to domestic water right 43-10151, updates the place of use and the ownership from Katherine Yates to Branch Farms LLC. If the transfer is correct, please sign and date the transfer and return it to IDWR Southern Region along with an additional \$25.00 for the change of ownership for water right 43-10151. If there are corrections that need to be made to the application, please contact me prior to signing and submitting the fees.

Please return the signed application for transfer along with the appropriate fees to IDWR Southern region within 14 days of receiving them in the mail. Your assistance and cooperation in this matter are greatly appreciated.

Sincerely,

Bill Mills  
Sr. Water Resource Agent  
IDWR Southern Region

Enclosure



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

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

Brad Little  
Governor

Gary Spackman  
Director

March 25, 2020

NOLAN & LUANN BRANCH  
PO BOX 24  
MALTA ID 83342-0024

RECEIVED

JUN 04 2020

DEPT OF WATER RESOURCES  
SOUTHERN REGION

Mr. & Mrs. Branch:

Please find enclosed Application for Transfer #83793. Please review the transfer for accuracy. The transfer proposes moving water right 43-4238A (0.275 cfs; 199 af) from the feedlot to the dairy location and changes the ownership to Branch Farms LLC. If the transfer is correct, please sign and date the transfer and return it to IDWR Southern Region along with a total application fee in the amount of \$525.00 (\$500.00 for transfer processing & \$25.00 for change of ownership processing). If there are corrections that need to be made to the application, please contact me prior to signing and submitting the fees.

Please return the signed application for transfer along with the appropriate fees to IDWR Southern region within 14 days of receiving them in the mail. Your assistance and cooperation in this matter are greatly appreciated.

Sincerely,

Bill Mills  
Sr. Water Resource Agent  
IDWR Southern Region

Enclosures