

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 83418

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) COLE RANCH PROPERTIES LLC

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

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

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

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant COLE RANCH PROPERTIES LLC Phone (406) 723-2132
Mailing Address 510 HUMMINGBIRD LN, BUTTE MT 59701 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

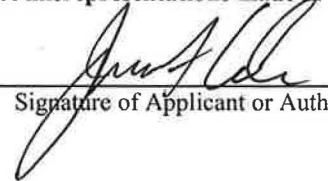
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____ 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

Jesse A Cole owner AUG 26 2019

Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	75-4500	No	Yes	Yes	No	No	No

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

This transfer application proposes to correct the point of diversion description to properly describe
where it truly exists on the ground. The description on the claim file is correct, however the right
was decreed incorrectly. Additionally, the application proposes to update the place of use description
to reflect the most current public land survey information. There will be no physical changes to either
the POD or the POU.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

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

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

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
75-4500	11.420 cfs	N/A	N/A	471.0		N/A	N/A	N/A	N/A
COMBINED TOTALS	11.420 cfs	N/A	N/A	471.0		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 11.42 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. 75-4500

Current Water Right Owner

COLE RANCH
PROPERTIES LLC
510 HUMMINGBIRD LN
BUTTE, MT 59701

Priority Date: 8/2/1892

Origin: Water Right

Basis: Decreed

Status Active

Source: SALMON RIVER **Tributary:** SNAKE RIVER

Source: WASTE WATER **Tributary:** SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/01	11/01	9.420 CFS	
STOCKWATER	01/01	12/31	2.000 CFS	
Total Diversion			11.420 CFS	

Source and Point(s) of Diversion:

SALMON RIVER	L1(SESE)	Sec. 12 Twp 20N Rge 21E LEMHI County
WASTE WATER	L3(NWNE)	Sec. 6 Twp 20N Rge 22E LEMHI County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	22E	6	0.3	1.6			0.6												2.5
			L 2	L 3			L 4												
21N	22E	30							4.5	4.9	2.0	16.5	4.6	12.0					44.5
									L 7	L 7		L 6							
21N	22E	30									11		13	1.9					25.9
											L 6		L 5	L 5					
21N	22E	31		0.1	14	1.6	11	2	33	39	41	29	12	28	23	24	10	23	290.7
				L 14					L 10			L 11	L 12						
21N	22E	31		1.5	5.9		12	22		0.7						17	31	6	96.1
				L 15	L 7		L 8	L 9		L 16						L 6	L 5	L 5	
21N	22E	31			0.8		5.6												6.4
					L 14		L 15												
21N	22E	31			1.5		3.4												4.9
					L 15		L 16												

POU Total Acres: 471.0

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	
20N	22E	6	X	X			X												
			L 2	L 3			L 4												
21N	22E	30							X	X	X	X	X	X					
									L 7	L 7		L 6							
21N	22E	30									X		X	X					
											L 6		L 5	L 5					
21N	22E	31		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
				L 14					L 10			L 11	L 12						
21N	22E	31		X	X		X	X		X						X	X	X	
				L 15	L 7		L 8	L 9		L 16						L 6	L 5	L 5	
21N	22E	31			X		X												
					L 14		L 15												
21N	22E	31			X		X												
					L 15		L 16												

HO DEPARTMENT OF WATER RESOURC
APPLICATION FOR TRANSFER OF WATER RIGHT

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

Diversion system consists of headgate and ditches to flood and sprinkler irrigation. No change to existing
diversion system, transfer application only seeks to correct POD that was decreed incorrectly, and update
place of use legal description. See original claim for more detail.

- 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:

N/A

- 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: N/A

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:

N/A

- 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:

No change in point of diversion or place of use locations.

- 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: No Change

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

Current Water Right No. 75-4500

Current Water Right Owner

COLE RANCH
PROPERTIES LLC
510 HUMMINGBIRD LN
BUTTE, MT 59701

Priority Date: 8/1/1892

Origin: Water Right

Basis: Decreed

Status: Active

Source: WASTE WATER **Tributary:** SALMON RIVER

Source: SALMON RIVER **Tributary:** SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/01	11/01	9.420 CFS	
STOCKWATER	01/01	12/31	2.000 CFS	
Total Diversion			11.420 CFS	

Source and Point(s) of Diversion:

WASTE WATER	L3(NWNE)	Sec. 6 Twp 20N Rge 22E LEMHI County
SALMON RIVER	L5(SWSE)	Sec. 12 Twp 20N Rge 21E LEMHI County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	22E	30								10.0	25.0	12.0	10.0	19.0					76.0
21N	22E	31			16.0		17.0	30.0	30.0	40.0	40.0	25.0	35.0	40.0	14.0	40.0	40.0	28.0	395.0

POU Total Acres: 471.0

Place of Use: STOCKWATER

Conditions/Remarks:

1. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. Right Nos. 75-4498 and 75-4500 are limited to a total combined diversion rate of 0.02 cfs per acre.
3. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.
4. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
5. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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.:

Transfer Contains 8 pages and attachments.
Received By [Signature] Date ~~7/1/2019~~ 9/3/19 Prelim. Check By [Signature] Date 9/2/19
Fee Paid \$50 Date 7/1/19 Received By Jean Receipt # C107117
Add'l Fee Paid Date Received By Receipt #

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 01 2019

DEPARTMENT OF
WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. **APPLICANT(S)** Cole Ranch Properties LLC Phone 406-723-2132
2. **MAILING ADDRESS** 410 Hummingbird Lane City Butte
State MT Zip 59701 Email _____

☒ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.

☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.

☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 75-4500

☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 11.42 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
	1		SE	SE	12	20N	21E	Lemhi	Salmon River	CORRECTED POD
	3		NW	NE	6	20N	22E	Lemhi	Waste Water	

6. 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:

Diversion from river was decreed incorrectly, see original claim with correct POD. This application seeks only to correct the Salmon River POD.

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

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
existing diversions no change

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. The *Map Tool*, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Signature of applicant or authorized agent

Print name and title if applicable

Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by _____

Date _____

Fee paid 50 Date 7-1-19

Received by _____

Receipt # _____

Preliminary review by _____

Date _____

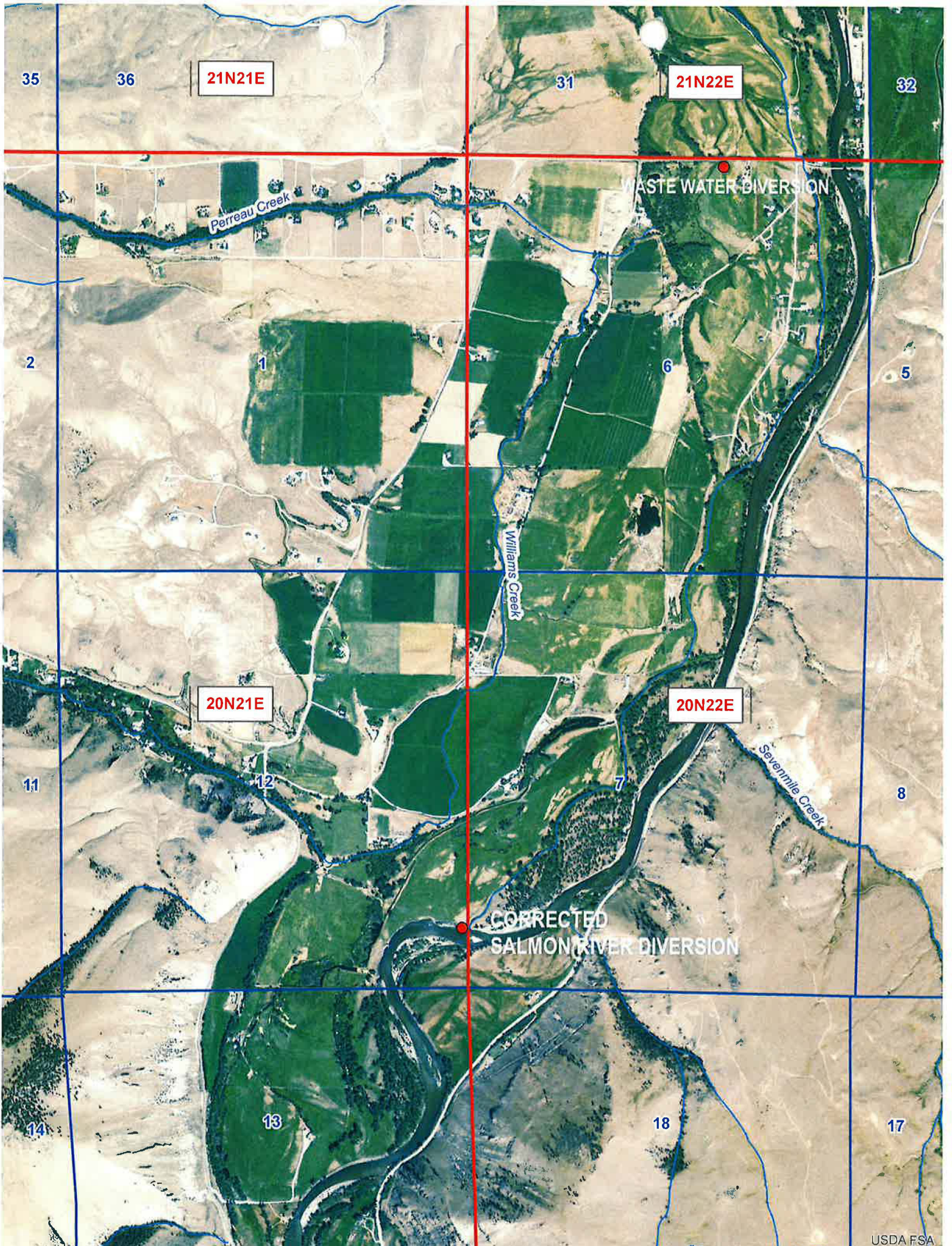
Active in the Water Supply Bank? Yes ☐ No ☐

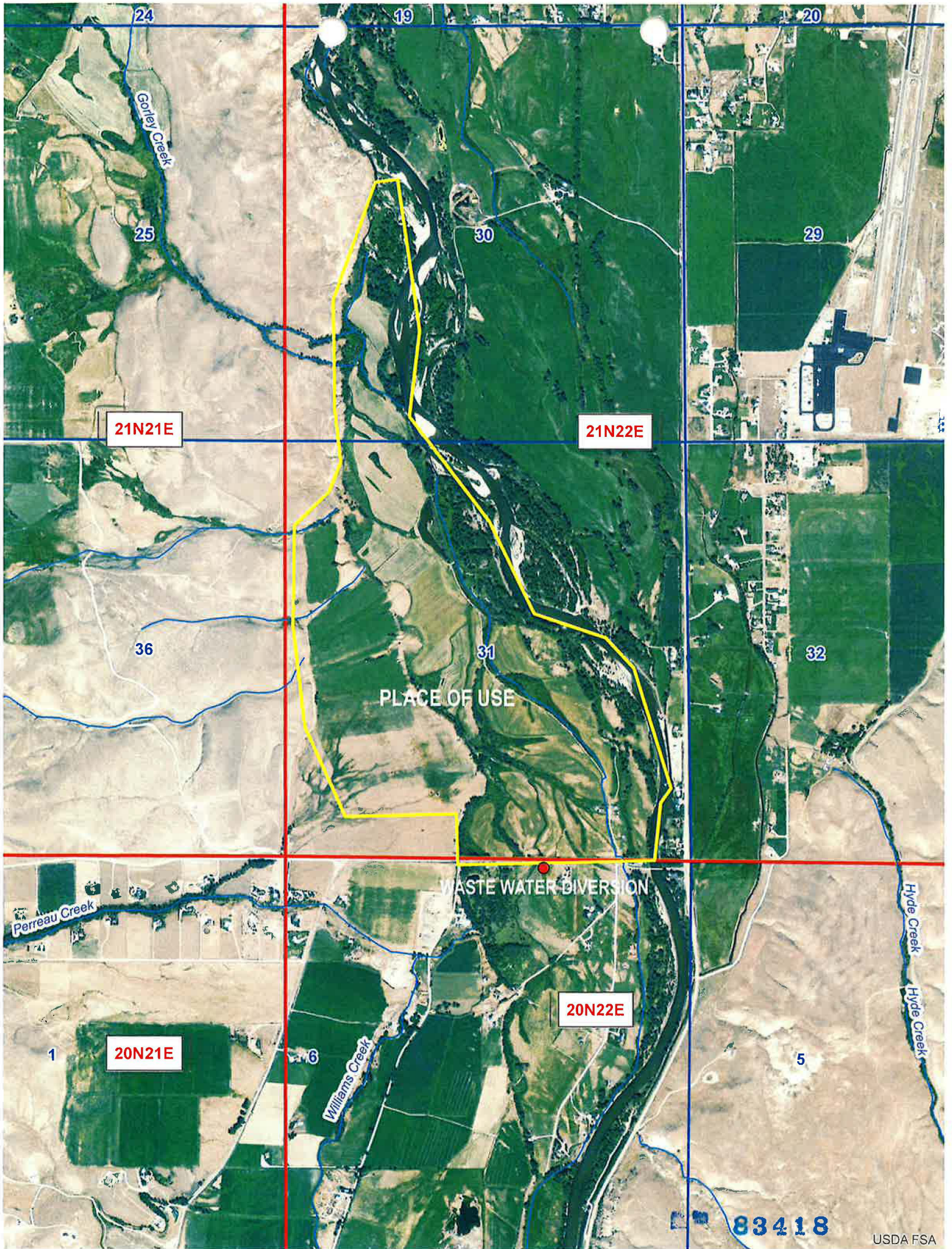
W-9 received? Yes ☐ No ☐

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)





83418

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 75-4500

6/17/2019

Owner Type **Name and Address**
Current Owner COLE RANCH PROPERTIES LLC
510 HUMMINGBIRD LN
BUTTE, MT 59701
(406) 494-6503

Priority Date: 8/1/1892

Basis: Decreed

Status: Active

Source **Tributary**
WASTE WATER SALMON RIVER
SALMON RIVER SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	9.420 CFS	
STOCKWATER	01/01	12/31	2.000 CFS	
	Total Diversion		11.420 CFS	

Source and Point(s) of Diversion

WASTE WATER L3(NWNE) Sec. 6, Twp 20N, Rge 22E, LEMHI County
SALMON RIVER L5(SWSE) Sec. 12, Twp 20N, Rge 21E, LEMHI County

Incorrect

Place Of Use

IRRIGATION within LEMHI County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	22E	30								10.0	25.0	12.0	10.0	19.0					76.0
21N	22E	31			16.0		17.0	30.0	30.0	40.0	40.0	25.0	35.0	40.0	14.0	40.0	40.0	28.0	395.0

POU Total Acres: 471.0

STOCKWATER Same as IRRIGATION

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. E51 Right Nos. 75-4498 and 75-4500 are limited to a total combined diversion rate of 0.02 cfs per acre.
3. G16 This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.
4. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
5. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Comments:

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 75-04500

NAME AND ADDRESS: COLE RANCH PROPERTIES LLC
510 HUMMINGBIRD LN
BUTTE, MT 59701

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER
WASTE WATER TRIBUTARY: SALMON RIVER

QUANTITY: 11.42 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
Right Nos. 75-4498 and 75-4500 are limited to a total combined diversion rate of 0.02 cfs per acre.

PRIORITY DATE: 08/01/1892

POINT OF DIVERSION: T20N R21E S12 LOT 5 (SWSE) Within Lemhi County *Incorrect*
R22E S06 LOT 3 (NWNE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	9.42 CFS
	Stockwater	01-01 TO 12-31	2.00 CFS

PLACE OF USE:	Irrigation		Within Lemhi County
	T21N R22E S30	SENE 10.0	NESW 25.0
		NWSW 12.0	SWSW 10.0
		SESW 19.0	
	S31	SWNE 16.0	NENW 17.0
		NWNW 30.0	SWNW 30.0
		SENN 40.0	NESW 40.0
		NWSW 25.0	SWSW 35.0
		SESW 40.0	NESE 14.0
		NWSE 40.0	SWSE 40.0
		SESE 28.0	
	471.0 Acres Total		

Stockwater	Within Lemhi County
Same as Irrigation	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number A75-04500
Date Received 4/16/90
Receipt Number 6013333

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Del Monte Life Trust Phone (801) 1181-9861
Life Enterprises
- Mailing Address 3384 Larchmont Dr. Salt Lake City Zip 84109
Utah
2. Date of Priority (Only one (1) per claim) August 1892
3. Source of water supply (a) Salmon River & Springs & Drainage
which is tributary to (b) Salmon River Rte. Columbia
4. a. Location of existing point of diversion is: Township 20N Range 2E Section 12 Q-6-Drainage
NE 1/4 of SE 1/4 of SE 1/4, Govt. Lot, B.M., County of Lemhi
Additional points of diversion if any: (Springs, drainage & west) Rediversion (see map)
West 1/4 of the NE 1/4 of Sec 12 - T. 20N - R. 2E.
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____

A7504500

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Initial Diversion in Sec. 12 - noted. Is by 4" pipe
Drainage from Sec 12 from flow. on to Sec 31 state SE 1/4 of SE 1/4
and on to SW 1/4 of the SE 1/4 by currently uncl. road
to point of rediversion.

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DEC 15 1992

83418

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

Salt water
For *Irrigation* purposes from *4-1* to *11-1* amount *6.55* or

Spr. Basin
For *Irrigation* purposes from *4-1* to *11-1* amount *.5* or

For *Stock water* purposes from *1-1* to *12-31* amount *2* or

For _____ purposes from _____ to _____ amount _____ or

7. Total quantity claimed (a) *13.55* (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is *117 1/2* acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) *1 House hold - 250 - Cows 200 calves 10 horses Milk Cows & Chickens*

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See Instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<i>21</i>	<i>22E</i>	<i>31</i>																	
<i>21N</i>	<i>22E</i>	<i>30</i>								<i>10</i>	<i>25</i>	<i>12</i>	<i>10</i>	<i>19</i>					<i>76</i>
<i>21N</i>	<i>22E</i>	<i>31</i>			<i>16</i>		<i>17</i>	<i>30</i>	<i>30</i>	<i>40</i>	<i>40</i>	<i>25</i>	<i>35</i>	<i>40</i>	<i>14</i>	<i>40</i>	<i>40</i>	<i>28</i>	<i>395</i>

Total number of acres irrigated *471*

11. In which county (ies) are lands listed above as place of use located? *Lehigh*

12. Do you own the property listed above as place of use? Yes *1* No
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
See Map or None ()

14. Remarks: *Map gives detail of entire ranch. flood irrigation and sprinkler system applies water on entire ranch.*

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DEC 15 1992

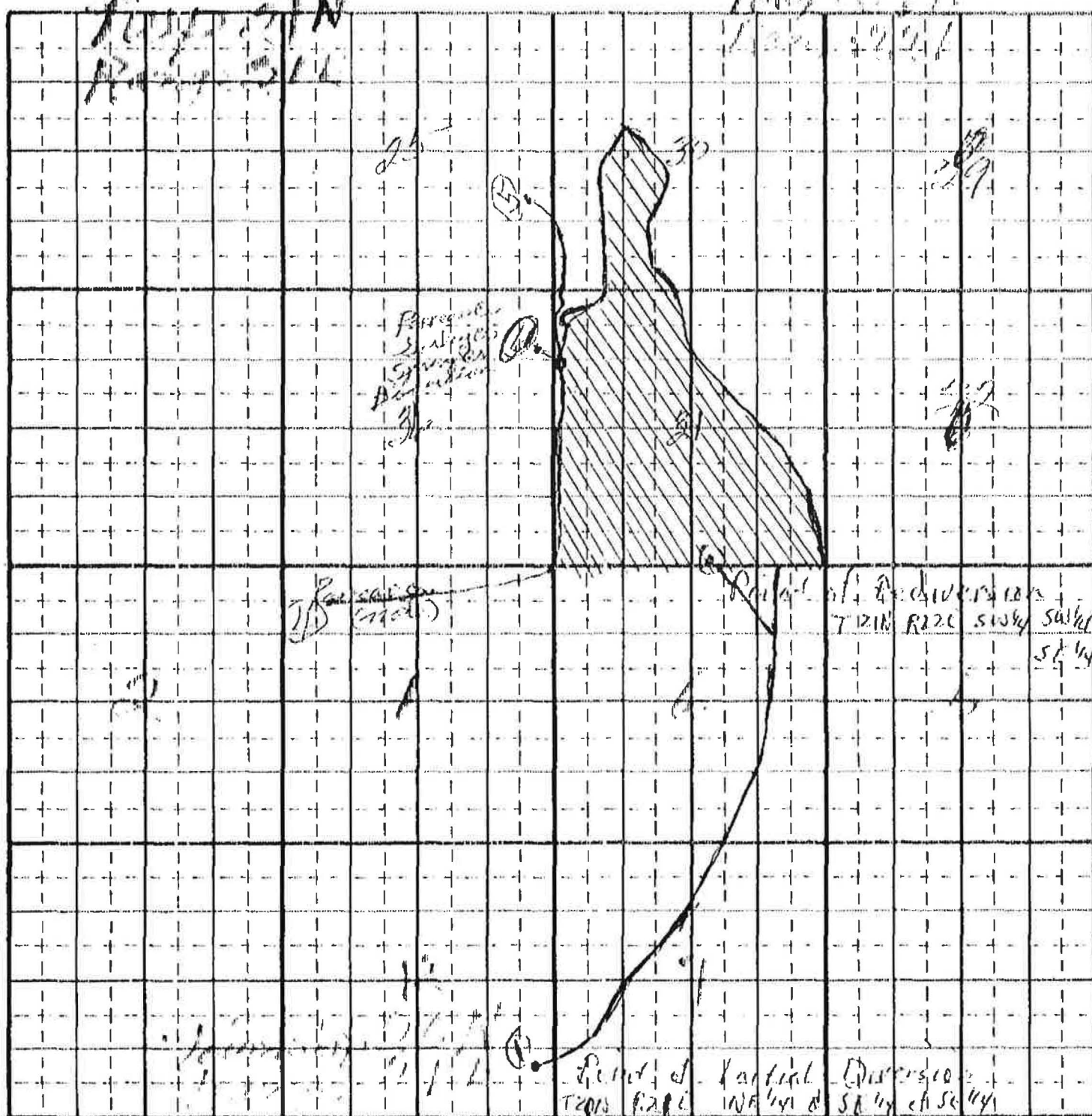
Last Name *Fite Enterprises* Ident No.

Copies: White -State, Yellow-Claimant

83418

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Note: Perseus Cr. is divided up into
from 10 divisions. Division 1 is
the main ditch system in West
of the W. of sec 31. at right to

Last Name Life Enterprises Ident No. 1585

MICROFILMED

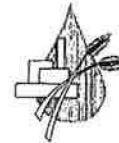
DEC 15 1957

Copies: White-State, Yellow-Claimant

83418

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Del Monto Fife Trust d/b/a Fife Enterprises

(Name of Claimant)

3384 Larchmont Dr. Salt Lake City, UT 84109

(Mailing Address)

(Zip Code)

Telephone No. (801)484-9860

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) August 1892

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Salmon River trib. to Snake River
Spring, Drain, & Wastewater tributary to Salmon River
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates Inclusive)	
			(Mo., Day)	(Mo., Day)
Salmon R. Quantity	<u>6.55</u>	Use <u>Irrigation</u>	Period of Use From <u>4-1</u>	To <u>11-1</u>
Sp., Dr. Quantity	<u>4.00</u>	Use <u>Irrigation</u>	Period of Use From <u>4-1</u>	To <u>11-1</u>
& Waste Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
(4)	<u>11.55cfs</u>	TOTAL QUANTITY USED.		
	(cfs, af)			

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

Salmon R. SE 1/4 SE 1/4, Sec. 12 Twp. 20N Rge. 21E B.M., County of Lemhi
Additional points of diversion: (Spring, drain and waste) NENW, NWNE, Sec. 6, T. 20N, R. 22E.

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Headgate and ditches to flood and sprinkler irrigation.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
21N	22E	30							10	25	12	10	19						76
		31			16		17	30	30	40	40	25	35	40	14	40	40	28	395

No. of acres 471

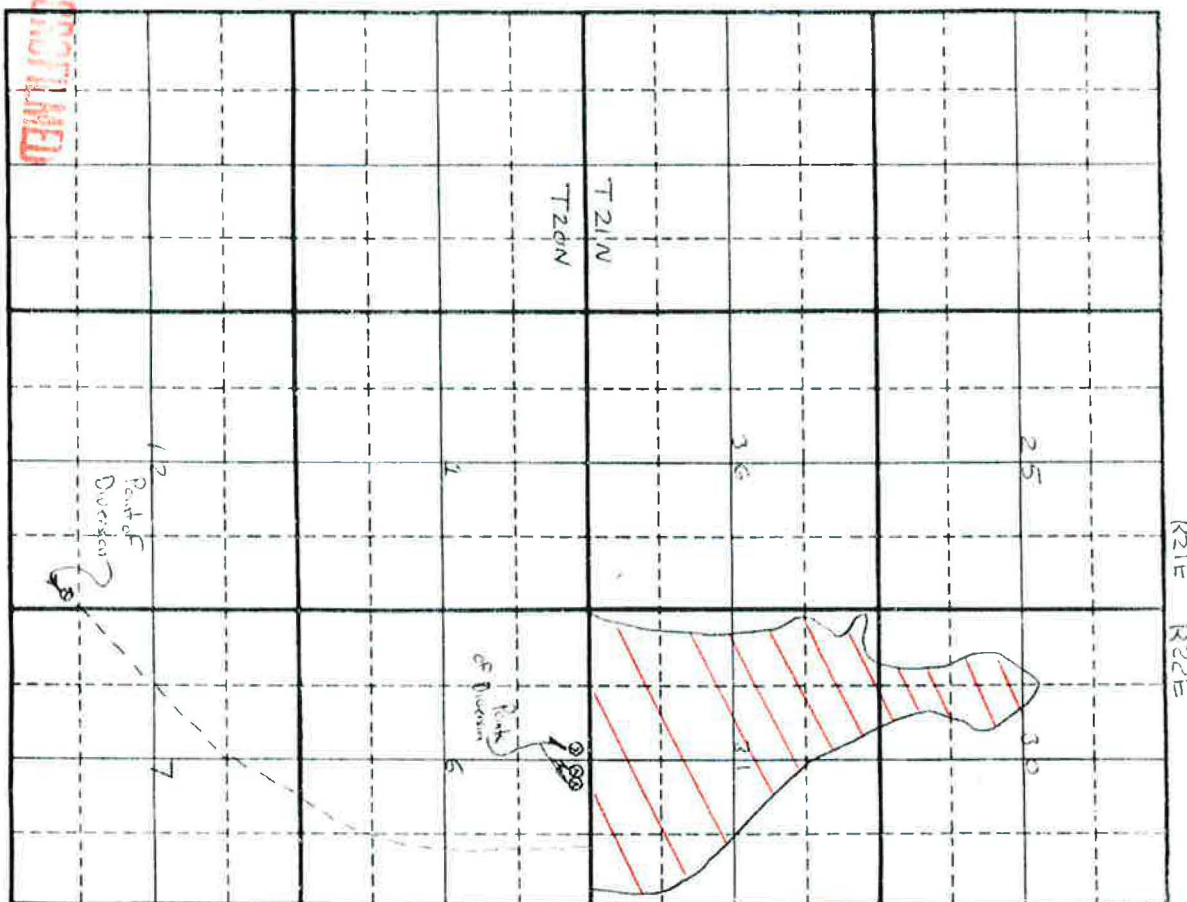
- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

If you are claiming water as a member of an organization, list name of organization:

RECEIVED
OCT 10 1983

NOTED


$$Z \rightarrow \text{triangle}$$

State of ~~Indiana~~ *Ill.*)
County of *DeKalb*) ss.

Delmonte Life Trust aka Life Insurance
 (Claimant)

January

Ever I shall

July 12, 1987

Received by CW Date 6-24-83 Exception filed by _____
Prelim. check by HUT Date 1-13-84
\$30.00 fee received by CW Date 1-13-84 B3404
Published in Greider Herald
Dates 1/26 - 2/2/84

Forwarded to _____ Date _____
claimant by:

83418



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 4, 2019

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY
900 NORTH SKYLINE SUITE B
IDAHO FALLS, ID 83402

RE: Transfer No. 83418
Water Right Nos. 75-4500

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right transfers. I have enclosed copies of the applications for your reference.

This office will not be publishing this transfer application as it proposes to correct the point of diversion to properly describe where it truly exists on the ground and since the changes proposed to not appear to change the effect on the original or hydraulically connected water source of affect other water rights. The water rights are not being transferred from the property. However, your prompt response to this request is appreciated. If your agency has any comments or concerns, please respond by October 21, 2019. If no response is received, we will assume there aren't any concerns and the Department will continue processing these applications.

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

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 4, 2019

IDAHO DEPT FISH AND GAME
ATTN: JEFF RICHARDS
99 HWY 93 N
SALMON ID 83467

RE: Transfer No. 83418
Water Right Nos. 75-4500

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right transfers. I have enclosed copies of the applications for your reference.

This office will not be publishing this transfer application as it proposes to correct the point of diversion to properly describe where it truly exists on the ground and since the changes proposed do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. However, your prompt response to this request is appreciated. If your agency has any comments or concerns, please respond by October 21, 2019. If no response is received, we will assume there aren't any concerns and the Department will continue processing these applications.

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

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure(s)

Hersley, Jean

From: Hersley, Jean
Sent: Friday, October 04, 2019 10:25 AM
To: Yenter, Cindy; Clark, Cynthia Bridge; Golden, Kala; Cassel, Amy; Jeff Richards
Subject: Transfer 83418 comments

The Department of Water Resources is seeking written comment and/or recommendations from you regarding the above referenced water right transfer.

This office will not be publishing this transfer application as it proposes to correct the point of diversion to properly describe where it truly exists on the ground and since the changes proposed to not appear to change the effect on the original or hydraulically connected water source of affect other water rights. The water rights are not being transferred from the property. Your prompt response to this request is appreciated. If you or your agency has any comments or concerns, please respond by October 21, 2019. If no response is received, we will assume there aren't any concerns and the Department will continue processing this application.

Documents will be scanned by the end of the day. You will find the documents at <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please let me know if you have any questions. Thank you.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

MEMORANDUM

Date: July 24, 2019
To: Transfer 83418
From: Scott Storms
Re: Legal Notice Not Required

Legal Notice Not Required 7/24/2019

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

Review & Evaluation of Sufficiency of Information 7/24/2019

Application for transfer No. 83418 was received by the Department of Water Resources (Department) on July 1, 2019. The original application proposed to correct the legal description of one of the points of diversion (POD) to reflect how it was stated on the original claim file and how it truly lays out on the ground. The application states that the POD from the Salmon River was decreed improperly and that the description on the original claim file was the correct one. The POD description as it is currently stated on the water right for the surface water diversion from the Salmon River is Lot 5 (SWSE), Sec. 12, T20N, R21E. The transfer application states the POD location as Lot 1 (SESE) Sec. 12, T20N, R21E. The current GIS shape for the POD is located in Lot 5 (SESE) Sec. 12, T20N, R21E, which does not coincide with any of the other descriptions and will not be considered a reflection of the POD location. Review of the original claim documents and associated maps clearly show the description of the POD located in the SESE of Sec. 12, T20N, R21E. Additionally, maps in the claim file show that water is diverted at the POD into a ditch that leads to the place of use. This ditch is apparent in aerial imagery and shows up in the Department hydrography data. The ditch starts at the POD described in the application, and leads to the place of use for this right. Department data also shows this ditch locally known as the S15 Fife Ditch. The original owner of this right (and who filed claim to the SRBA court) was the Del Monto Fife Family Trust, further alluding to the fact that this is indeed the proper location of the POD.

Upon initial review of the application, it became apparent that there had been updates to the Public Land Survey Systems (PLSS) in this area that had also affected the legal description of the place of use (POU). On July 26, 2019, I contacted the applicant via email to ask if he would like to update the POU description as well, as part of this transfer. The applicant promptly responded that he indeed would like to update the POU to reflect how it should be described according to the most current PLSS descriptions. On July 29, 2019, I emailed an updated transfer application to the applicant, with the changes needed to update the POU description, for his review and signature. The new, signed application was received back on September 3, 2019.

Authority to File:

The application was submitted on behalf of Cole Ranch Properties, LLC. of Butte, Montana, and was signed by Jesse A Cole. A search of Cole Ranch Properties on the Montana Secretary of State business

search shows Jesse A Cole at the only registered agent of the company. No issues of authority to file.

Water Right Validity:

The water right was decreed on November 17, 2008. Examination of aerial imagery clearly shows signs of irrigation across the POU from 2009 to 2017. No issues of water right validity.

Injury to Other Water Rights:

This application only proposes to correct the legal description of the POD to coincide with the proper location that has been used throughout the history of this right, and to update the POU description to coincide with the most current PLSS information. There are no physical changes to any of the elements of this right and therefore no injury to other rights are anticipated.

Enlargement of Use:

No changes in acreage or diversion rate are proposed and there are therefore no enlargement concerns.

Local Public interest:

Review staff has no information to suggest that this application is inconsistent with the local public interest.

Beneficial Use/Conservation of Water Resources:

The transfer appears consistent with the conservation of water resources in Idaho.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

Storms, Scott

From: Jesse Cole <deeprocks@yahoo.com>
Sent: Tuesday, August 27, 2019 2:38 PM
To: Storms, Scott
Subject: Re: Transfer Application for Water Right 75-4500

Sorry, somehow your second note ended up in my spam folder. I'll sign the new one and mail back.

j

On Tuesday, August 27, 2019, 09:40:02 AM MDT, Storms, Scott <Scott.Storms@idwr.idaho.gov> wrote:

Hello Jessie,

I just wanted to touch base with you and see if you have had time to review and sign the amended transfer application I sent you about a month ago? Please let me know as soon as you can. If I do not hear anything in the next 14 days, I will move forward with processing the original application you submitted on July 1, 2019.

Thanks again,

Scott

Scott Storms

Senior Water Resource Agent

Idaho Department of Water Resources

208-287-4915

Scott.Storms@idwr.idaho.gov

From: Storms, Scott
Sent: Monday, July 29, 2019 1:14 PM
To: 'Jesse Cole' <deeprock7@yahoo.com>
Subject: RE: Transfer Application for Water Right 75-4500

Hello Jesse,

I believe I have everything in order now on the amended transfer application so that it will include an update to place of use description in order to reflect the most current PLS information. Please review the attached application to make sure everything looks correct to you, print it out, and sign on page 2. When you're done, you can send it back to me at :

Idaho Department of Water Resources

C/O Scott Storms

322 E Front St.

P.O. Box 83720

Boise, ID 83720

I can then complete processing and should hopefully be able to wrap it up within a couple weeks of receiving the returned, signed copy. Please feel free to contact me if you have any further questions.

Scott Storms

Senior Water Resource Agent

Idaho Department of Water Resources

208-287-4915

Scott.Storms@idwr.idaho.gov

From: Jesse Cole [mailto:deeprrock7@yahoo.com]
Sent: Friday, July 26, 2019 3:18 PM
To: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Subject: Re: Transfer Application for Water Right 75-4500

Yes, please do. I didn't fill out the information on the form, that was done by your office to correct errors I didn't know about. Just send back to me to sign.

jesse cole

On Friday, July 26, 2019, 02:27:21 PM MDT, Storms, Scott <Scott.Storms@idwr.idaho.gov> wrote:

Hello Jesse,

I am reviewing the Transfer application for the Cole Ranch Properties water right 75-4500, where you have asked to correct the point of diversion legal description. During my review, I found that the legal description for the place of use is also incorrect or not up to date. I'm not sure if the area was re-surveyed between the decree date and now or if it was simply missed in the claim filing, but there are several Government Lot numbers within the place of use that are not listed on the right. This would be a relatively simple fix that I can process as part of this transfer if you would like me to. Because the change is due to an updated survey, it is not required by the Department of Water Resources for the right to be updated but there would be no additional fee to add this to the current process, and it would result in your water right properly reflecting the legal public land survey information. We would, however, require a new application form with the PLSS description fully completed and returned with your original signature (i.e. mailed copy). If you would like to move forward with this, I can complete the application form for you and email it to you, and then you would need to print it out, sign, and send that signed copy to me in the mail.

Please let me know within the next 7 days if you would like to move forward with this, otherwise I will complete the transfer as it is on the current application. I am attaching a copy of your water right proof report with the current place of use description as well as a map of the place of use with the current PLSS layer so you can see what I am talking about. If you have any questions, feel free to email or call me at 208-287-4915.

Thank you,

Scott Storms

Senior Water Resource Agent

Idaho Department of Water Resources

208-287-4915

Scott.Storms@idwr.idaho.gov