

RECEIVED

SEP 23 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION

**WITHDRAWAL
OF
APPLICATION FOR TRANSFER OF WATER RIGHT(S)**

I/We, MCCOLLUM ENTERPRISES LTD and _____,
(Applicant's Printed Name) (Applicant's Printed Name)

_____ and _____,
(Applicant's Printed Name) (Applicant's Printed Name)

hereby withdraw our Application for Transfer No. 83472 of Water Right

No(s). 47-8357, 47-8356, ~~47-7472~~ 02-7472, 47-7758 and 36-7239

Signed this 18 day of September, 20 19.

(Signature/Title of Applicant)

W DAVID MC COLLUM
MC COLLUM ENTERPRISES LTD
PO BOX 5492
TWIN FALLS ID 83303-5492

(Signature/Title of Applicant)

(Signature/Title of Applicant)

(Signature/Title of Applicant)

Database updated
9-24-2019 by C.S.

SUPPORT DATA
IN FILE # 02-7472

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. **83472****RECEIVED****JUL 01 2019**

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

DEPT OF WATER RESOURCES

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

Name of Applicant(s) MC COLLUM ENTERPRISES LTD

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

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

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

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

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

WITHDRAWN

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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JUL 01 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) MC COLLUM ENTERPRISES LTD Phone PO BOX 5492 TWIN FALLS,
Mailing address PO BOX 5492 TWIN FALLS, ID 83303-5492 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 Greg Sullivan Phone 208-736-8543
Mailing address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301 Email greg.sullivan@brockwayeng.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
This transfer is proposing to change the place of use location for Fish Propagation, Heating, Recreation and Aesthetic. No POD changes, no irrigation POU location changes and no power POU changes are proposed with this transfer.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	See Exhibit A				

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

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

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Total Acres (for irrigation use)																			

Exhibit A
Water Rights

All	or	Part	Water Right Number	Amount (ft)	(cfs/ac-	Nature of Use	Period of Use			Source & Tributary
		X	47-8357	2.0	2.0	Fish Propagation	1/01	to	12/31	Seep Springs/Snake River
				2.0		Aesthetic	1/01	to	12/31	
		X	47-8356	4.0	4.0	Fish Propagation	1/01	to	12/31	Perrine Coulee/Snake River
				4.0		Aesthetic	1/01	to	12/31	
		X	47-7472	4.25	4.25	Fish Propagation	1/01	to	12/31	Snake River/Columbia River
		X	47-7758	0.36	6.25	Heating	1/01	to	12/31	Ground Water
				6.25		Fish Propagation	1/01	to	12/31	
				2.01		Irrigation	3/15	to	11/15	
		X	36-7239	1.6	6.0	Irrigation	3/01	to	11/01	Springs
				6.0		Fish Propagation	1/01	to	12/31	
				6.0		Recreation	1/01	to	12/31	
				6.0		Aesthetic	1/01	to	12/31	
								to		

Exhibit B
Place of Use

[illegible]

Total 0

**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:

Existing PODs and delivery system.

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

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: No

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

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

If yes, ☐ complete Attachment WSB.

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

No change to land now irrigated.

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

N/A

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

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

Page _____ of _____

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

Current Water Right No.: 36-7239

Current Owner: MC COLLUM ENTERPRISES LTD

Priority Date: 4/24/1972

Origin: Water Right

Status: Active

Basis: Decreed

Source

SPRINGS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>
RECREATION	1/01	12/31
AESTHETIC	1/01	12/31
FISH PROPAGATION	1/01	12/31
IRRIGATION	3/01	11/01
	<u>Total Diversion</u>	

Tributary

ALPHEUS CREEK

<u>Diversion Rate</u>	<u>Annual Volume</u>
6 CFS	
6 CFS	
6 CFS	
1.6 CFS	320 AF
6 CFS	

Location of Point(s) of Diversion

SPRINGS

JEROME County

L11(SW1/4SE1/4) Sec. 28, Twp 09S, Rge 17E B.M.

Place of Use

Page _____ of _____

IRRIGATION Within TWIN FALLS County

T09S R17E S28		SWSW	2.00	T09S R17E S29		SESE	16.00
T09S R17E S32		NENE	25.00	T09S R17E S32		SENE	2.00
T09S R17E S33	Lot 1	NENW	9.00	T09S R17E S33		NWNW	19.00
T09S R17E S33		SWNW	21.00	T09S R17E S33	Lot 2	SENW	15.00
T09S R17E S33		NESW	3.00				

Total Acres: 112

FISH PROPAGATION Within TWIN FALLS County

T09S R17E S29		SESE		T09S R17E S32		NENE	
T09S R17E S33		NWNW					

RECREATION Within TWIN FALLS County

T09S R17E S28		SWSW		T09S R17E S29		SESE	
T09S R17E S32		NENE		T09S R17E S32		SENE	
T09S R17E S33	Lot 1	NENW		T09S R17E S33		NWNW	
T09S R17E S33		SWNW		T09S R17E S33	Lot 2	SENW	
T09S R17E S33		NESW					

AESTHETIC Within TWIN FALLS County

T09S R17E S28		SWSW		T09S R17E S29		SESE	
T09S R17E S32		NENE		T09S R17E S32		SENE	
T09S R17E S33	Lot 1	NENW		T09S R17E S33		NWNW	
T09S R17E S33		SWNW		T09S R17E S33	Lot 2	SENW	
T09S R17E S33		NESW					

Page _____ of _____

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 36-15455 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 112 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. RECREATION AND AESTHETIC USES ARE FOR GOLF COURSE FACILITY.
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. USE OF THIS RIGHT WITH RIGHT NO. 36-15455 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.60 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 448 AF FOR IRRIGATION PURPOSES.
5. RIGHT NO. 36-15455 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO IDAHO CODE 42-1426.
RIGHT NO. 36-15455 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
FISH PROPAGATION IS IN 118 RACEWAYS WITH A FACILITY VOLUME OF 3.26 AF.

Decreed Date: 9/26/2001

Page _____ of _____

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

Current Water Right No.: 47-7758

Current Owner: MC COLLUM ENTERPRISES LTD
Priority Date: 9/25/1981
Origin: Water Right
Status: Active
Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	2.01 CFS	
FISH PROPAGATION	01/01 to 12/31	6.25 CFS	4510 AF
HEATING	01/01 to 12/31	0.36 CFS	142 AF
	<u>Total Diversion</u>	6.25 CFS	4510 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4NW1/4NW1/4 Sec. 33, Twp 09S, Rge 17E B.M.
TWIN FALLS County

Place of Use

IRRIGATION Within TWIN FALLS County

T09S R17E S28	SWSW	2.00	T09S R17E S29	SESE	16.00
T09S R17E S32	NENE	25.00	T09S R17E S32	SENE	2.00
T09S R17E S33	Lot 1 NENW	9.00	T09S R17E S33	NWNW	19.00
T09S R17E S33	SWNW	21.00	T09S R17E S33	Lot 2 SENW	15.00
T09S R17E S33	NESW	3.00			

Total Acres: 112

FISH PROPAGATION Within TWIN FALLS County

T09S R17E S29	SESE	T09S R17E S32	NENE
T09S R17E S33	Lot 1 NENW	T09S R17E S33	NWNW

HEATING Within TWIN FALLS County

T09S R17E S33 NWNW

Conditions of Approval:

1. 105 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
2. Rights 36-7239, 36-15455 and 47-7758 when combined for irrigation purposes shall not exceed a total diversion rate of 2.24 cfs, a total annual maximum diversion volume of 448.0 acre feet at the field headgate, and the irrigation of 112 acres.
3. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
4. X35 Rights 47-7813 and 47-7758 when combined shall not exceed a total diversion rate of 6.25 cfs and a total annual maximum diversion volume of 4510.0 af at the field headgate.
5. X36 Right 47-7813 is also diverted through the point of diversion described above.
6. WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 448.0 af at the field headgate for the lands above.
7. R19 The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
8. R60 This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. Heating use is for a house, shops and clubhouse.

Licensed Date: 2/21/2006

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

Current Water Right No.: 47-8356

Current Owner: MC COLLUM ENTERPRISES LTD
Priority Date: 3/4/1994
Origin: Water Right
Status: Active
Basis: License

Source

PERRINE COULEE

Tributary

SNAKE RIVER

<u>Beneficial Use</u>	<u>From To</u>
FISH PROPAGATION	01/01 to 12/31
AESTHETIC	01/01 to 12/31
	<u>Total Diversion</u>

<u>Diversion Rate</u>	<u>Annual Volume</u>
2.3 CFS	1670 AF
2.3 CFS	1670 AF
2.3 CFS	1670 AF

Location of Point(s) of Diversion

PERRINE COULEE

NE1/4SW1/4 Sec. 33, Twp 09S, Rge 17E B.M.

TWIN FALLS County

Place of Use

FISH PROPAGATION Within TWIN FALLS County

T09S R17E S29	SESE
T09S R17E S33	NWNW

T09S R17E S32	NENE
T09S R17E S33	SWNW

AESTHETIC Within TWIN FALLS County

T09S R17E S29	SESE
T09S R17E S33	NWNW
T09S R17E S33 Lot 2	SENW

T09S R17E S32	NENE
T09S R17E S33	SWNW

Conditions of Approval:

1. 935 Use of water pursuant to this right is either non-consumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right. Regulation of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required.
2. This right may be used in conjunction with water rights administered by multiple water districts. The right holder shall cooperate with each jurisdictional water district to ensure proper administration of water rights.
3. X35 Rights 2-7472, 47-8356, and 47-8357 when combined shall not exceed a total annual maximum diversion volume of 3,910 acre-feet for the fish propagation and aesthetic uses.
4. 933 This right is for the use of trust water, and it is subject to review 5 years after its initial approval this license to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
5. 122 The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.
6. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. X35 Rights 36-7239, 36-15455, 47-7758, 2-7472, 47-7813, 47-8356, and 47-8357 when combined shall not exceed a total diversion rate of 12.25 cfs.
8. 027 Use of water under this right shall be non-consumptive.
9. X35 Rights 36-7239, 47-7758, 2-7472, 47-8356, and 47-8357 when combined shall not exceed a total diversion rate of 12.00 cfs or a total annual maximum diversion volume of 8,690 af for the fish propagation and aesthetic uses.

Licensed Date: 6/13/2018

Page _____ of _____

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

Current Water Right No.: 47-8357

Current Owner: MC COLLUM ENTERPRISES LTD
Priority Date: 3/4/1994
Origin: Water Right
Status: Active
Basis: License

Source

SPRING

Tributary

SNAKE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FISH PROPAGATION	01/01 to 12/31	0.69 CFS	500 AF
AESTHETIC	01/01 to 12/31	0.69 CFS	500 AF
	<u>Total Diversion</u>	0.69 CFS	500 AF

Location of Point(s) of Diversion

SPRING

L5(SW1/4NW1/4SE1/4)

Sec. 33, Twp 09S, Rge 17E B.M.

TWIN FALLS County

Place of Use

FISH PROPAGATION Within TWIN FALLS County

T09S R17E S29	SESE	T09S R17E S32	NENE
T09S R17E S33	NWNW	T09S R17E S33	SWNW

AESTHETIC Within TWIN FALLS County

T09S R17E S29	SESE	T09S R17E S32	NENE
T09S R17E S33	NWNW		

Conditions of Approval:

1. This right may be used in conjunction with water rights administered by multiple water districts. The right holder shall cooperate with each jurisdictional water district to ensure proper administration of water rights.
2. 933 This right is for the use of trust water, and it is subject to review 5 years after its initial approval of this license to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
3. 027 Use of water under this right shall be non-consumptive.
4. X35 Rights 36-7239, 47-7758, 2-7472, 47-8356, and 47-8357 when combined shall not exceed a total diversion rate of 12.00 cfs or a total annual maximum diversion volume of 8,690 af for the fish propagation and aesthetic uses.
5. 122 The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.
6. 935 Use of water pursuant to this right is either non-consumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right. Regulation of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required.
7. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
8. X35 Rights 2-7472, 47-8356, and 47-8357 when combined shall not exceed a total annual maximum diversion volume of 3,910 acre-feet for the fish propagation and aesthetic uses.
9. X35 Rights 36-7239, 36-15455, 47-7758, 2-7472, 47-7813, 47-8356, and 47-8357 when combined shall not exceed a total diversion rate of 12.25 cfs.

Licensed Date: 6/13/2018

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

Current Water Right No.: 2-7472

Current Owner: MC COLLUM ENTERPRISES LTD
Priority Date: 6/16/1997
Origin: Water Right
Status: Active
Basis: License

Source

SNAKE RIVER

<u>Beneficial Use</u>	<u>From To</u>
FISH PROPAGATION	01/01 to 12/31
	<u>Total Diversion</u>

Location of Point(s) of Diversion

SNAKE RIVER
TWIN FALLS County

Tributary

COLUMBIA RIVER

<u>Diversion Rate</u>	<u>Annual Volume</u>
4.25 CFS	3080 AF
4.25 CFS	3080 AF

SE1/4SE1/4 Sec. 29, Twp 09S, Rge 17E B.M.

Place of Use

FISH PROPAGATION Within TWIN FALLS County

T09S R17E S29 SESE

Conditions of Approval:

1. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
2. This right may be used in conjunction with water rights administered by multiple water districts. The right holder shall cooperate with each jurisdictional water district to ensure proper administration of water rights.
3. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.
4. 935 Use of water pursuant to this right is either non-consumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right. Regulation of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required.
5. X35 Rights 36-7239, 36-15455, 47-7758, 2-7472, 47-7813, 47-8356, and 47-8357 when combined shall not exceed a total diversion rate of 12.25 cfs.
6. X35 Rights 36-7239, 47-7758, 2-7472, 47-8356, and 47-8357 when combined shall not exceed a total diversion rate of 12.00 cfs or a total annual maximum diversion volume of 8,690 for the fish propagation and aesthetic uses.
7. 027 Use of water under this right shall be non-consumptive.
8. 933 This right is for the use of trust water, and it is subject to review 5 years after its initial approval of this license to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
9. 122 The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.
10. X35 Rights 2-7472, 47-8356, and 47-8357 when combined shall not exceed a total annual maximum diversion volume of 3,910 acre-feet for the fish propagation and aesthetic uses.

Licensed Date: 6/13/2018



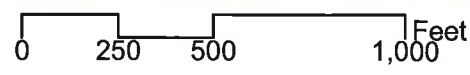
0 250 500 1,000 Feet

MCCOLLUM ENTERPRISES LTD
WATER RIGHTS TRANSFERS
2017 NAIP AERIAL

Legend

 Fish_Propagation_Area



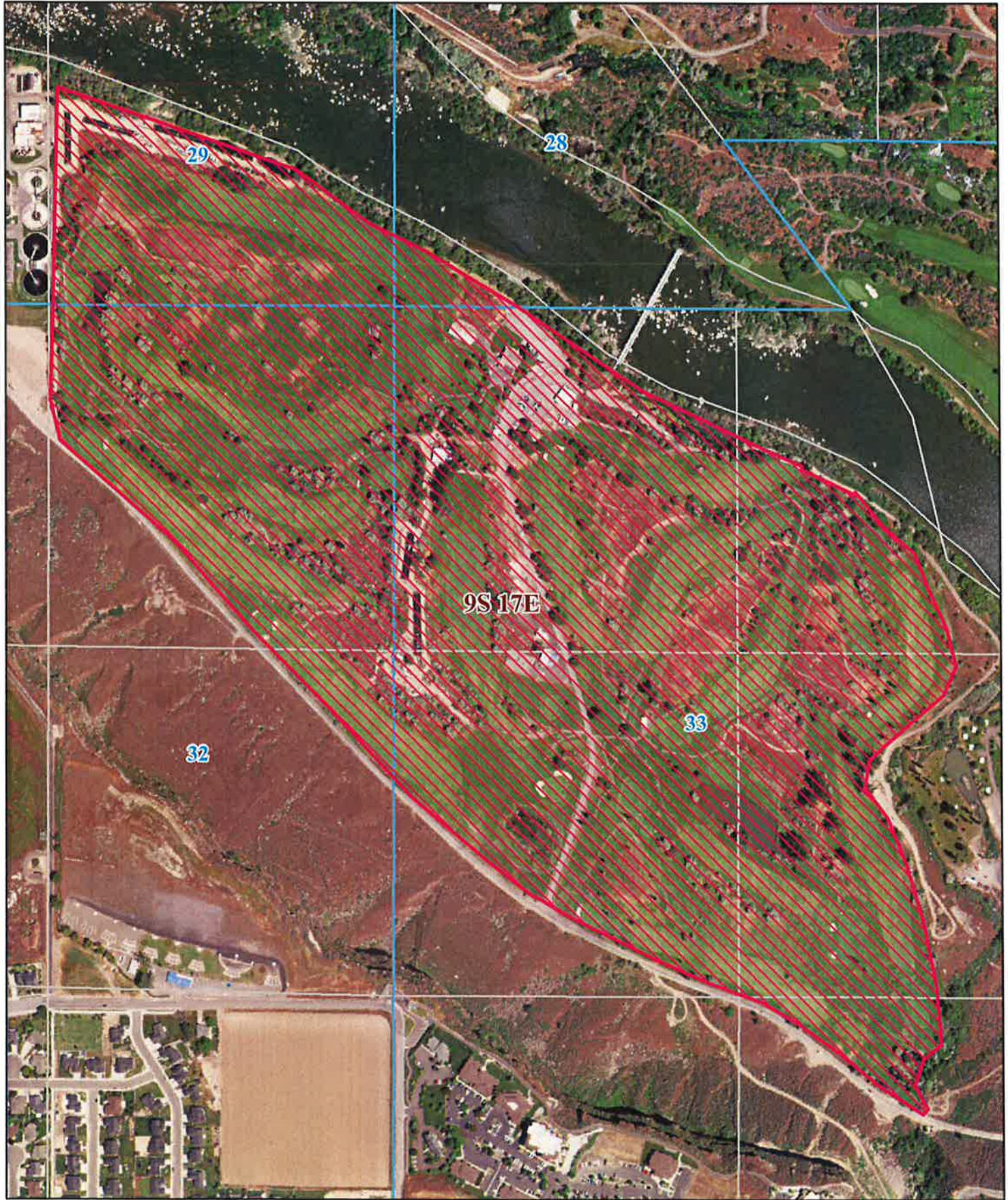


MCCOLLUM ENTERPRISES LTD
WATER RIGHTS TRANSFERS
2017 NAIP AERIAL

Legend

 Recreation





0 250 500 1,000 Feet

MCCOLLUM ENTERPRISES LTD
WATER RIGHTS TRANSFERS
2017 NAIP AERIAL

Legend
 Aesthetic

N
↑



0 250 500 1,000 Feet

MCCOLLUM ENTERPRISES LTD
WATER RIGHTS TRANSFERS
2017 NAIP AERIAL

Legend
[Red hatched box] Heating_Area



**STATEMENT OF CONVERSION
OF
MCCOLLUM ENTERPRISES, LIMITED PARTNERSHIP**

THIS STATEMENT OF CONVERSION ("Statement") is made and entered into this 30th day of April, 2019 by **MCCOLLUM ENTERPRISES, LIMITED PARTNERSHIP**, an Idaho limited partnership ("Partnership"). All defined terms are designated, unless the context requires otherwise.

RECITALS

WHEREAS, the Partnership was duly established on September 21, 1994 by way of its Certificate of Limited Partnership being filed with the Idaho Office of the Secretary of State ("Secretary") as of that date;

WHEREAS, the Partnership is a validly existing Idaho limited partnership;

WHEREAS, pursuant to Idaho law, without limitation, I.C. §§ 30-22-401 through 30-22-406, for business purposes, including, without limitation, enhanced management of operations, the Partnership desires to convert into an Idaho limited liability company known and referred to as "McCollum Enterprises, LLC" ("Company");

WHEREAS, pursuant to I.C. § 30-22-402, the Partnership has made and entered into a Plan of Conversion setting forth, adopting and implementing such conversion ("Plan"); and

WHEREAS, the Partnership makes and enters into this Statement and causes it to be filed with the Secretary to effectuate such conversion.

NOW, THEREFORE, based on the foregoing and pursuant to Idaho law, without limitation, I.C. § 30-22-405, the Partnership agrees:

1. The initial paragraph, the recitals and the Exhibits attached to this Statement are incorporated into this Statement.

2. The Plan was approved pursuant to I.C. § 30-22-403 as evidenced by the Unanimous Written Consent in Lieu of a Meeting of the General Partners and Limited Partners of McCollum Enterprises, Limited Partnership dated April 30, 2019 ("Consent"). The Consent is attached to this Statement as Exhibit "A".

3. The Company's public organic record, its Certificate of Organization dated April 30, 2019, which was made and entered into by the Company's Organizers, is attached to this Statement as Exhibit "B".

4. This Statement is to be effective as of the date it is filed with the Secretary.

5. Pursuant to I.C. § 30-21-301 (d), without limitation, the Company is authorized to use an indistinguishable name from the Partnership.

6. The invalidity or unenforceability of any provision of this Statement shall not impact the validity or enforceability of any other provision of this Statement. If a court of competent jurisdiction determines that any provision of this Statement is invalid, then the remaining provisions of this Statement shall be interpreted and construed as if the invalid provision had never been included in this Statement.

7. This Statement shall in all respects be governed by, and construed pursuant to, the laws of the State of Idaho, including, without limitation, as to all matters of validity and performance, but without giving effect to the conflict of laws provisions thereof.

8. Unless the context requires otherwise, words denoting the singular may be construed as plural, and words denoting the plural may be construed as singular. Words of gender may be construed as denoting another gender (including, without limitation, nongender such as "it") as is appropriate within the context.

9. This Statement shall be binding upon, and inure to the benefit of, the Partnership and its partners and their permitted successors, executors, heirs, representatives, agents, administrators and assigns.

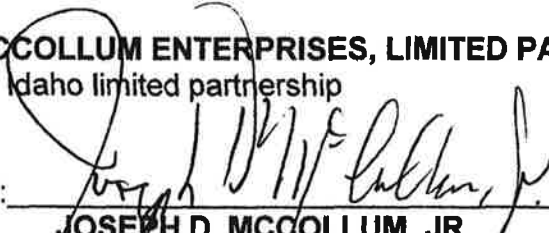
[signatures on following page]

IN WITNESS WHEREOF, the Partnership makes and enters into this Statement as of the date provided above.

PARTNERSHIP:

MCCOLLUM ENTERPRISES, LIMITED PARTNERSHIP,
an Idaho limited partnership

By: _____


JOSEPH D. MCCOLLUM, JR.,
General Partner and Limited Partner

By: _____

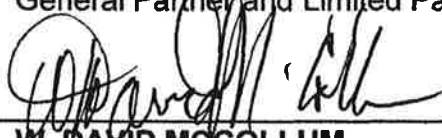

W. DAVID MCCOLLUM,
General Partner and Limited Partner

EXHIBIT "A"
TO THE
STATEMENT OF CONVERSION
OF
MCCOLLUM ENTERPRISES, LIMITED PARTNERSHIP

[Refer to the Unanimous Written Consent in Lieu of a Meeting of the General Partners and Limited Partners of McCollum Enterprises, Limited Partnership dated April 30, 2019 attached hereto and incorporated herein by reference]

B0243-0325 05/03/2019 2:30 PM Received by ID Secretary of State Lawrence Denney

**UNANIMOUS WRITTEN CONSENT
IN LIEU OF A MEETING OF THE GENERAL PARTNERS AND LIMITED PARTNERS
OF
MCCOLLUM ENTERPRISES, LIMITED PARTNERSHIP**

The undersigned, constituting the general partners ("General Partners") and the limited partners ("Limited Partners") of McCollum Enterprises, Limited Partnership, an Idaho limited partnership ("Partnership"), in lieu of a meeting of the General Partners and the Limited Partners, after presentation to the General Partners and the Limited Partners of the proposed Plan of Conversion, whereby, inter alia, the Partnership will convert into an Idaho limited liability company known and referred to as "McCollum Enterprises, LLC" pursuant to Idaho law, without limitation, I.C. §§ 30-22-401 through 30-22-406 ("Plan of Conversion"), for their review, consideration and discussion, pursuant to I.C. § 30-22-403, the General Partners and the Limited Partners approve the following resolutions by unanimous written consent:

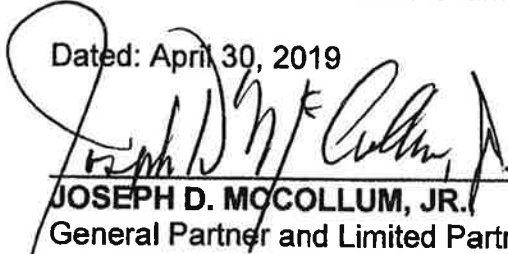
RESOLVED, that the Plan of Conversion is approved substantially in the form presented, including, without limitation, its supplemental documentation, including the Statement of Conversion to be filed with the Idaho Office of the Secretary of State as well as the Operating Agreement of McCollum Enterprises, LLC to be adopted and implemented in conjunction therewith.

FURTHER RESOLVED, that the General Partners and the Limited Partners be, and the same hereby are, authorized and directed to make and enter into the Plan of Conversion and all of the documents supplemental, incidental and related thereto substantially in the form presented.

FURTHER RESOLVED, that the General Partners and the Limited Partners be, and the same hereby are, authorized and directed to undertake and complete all acts and affairs deemed advisable by them, in their sole and absolute discretion, to fully effectuate the foregoing resolutions.

The undersigned have hereto signed their names as the General Partners and the Limited Partners to the same extent and for all purposes as if an actual meeting of the General Partners and the Limited Partners had been held.

Dated: April 30, 2019


JOSEPH D. MCCOLLUM, JR.
General Partner and Limited Partner


W. DAVID MCCOLLUM,
General Partner and Limited Partner

EXHIBIT "B"
TO THE
STATEMENT OF CONVERSION
OF
MCCOLLUM ENTERPRISES, LIMITED PARTNERSHIP

[Refer to the Certificate of Organization of McCollum Enterprises, LLC dated April 30, 2019 attached hereto and incorporated herein by reference]

B0243-0327 05/03/2019 2:30 PM Received by ID Secretary of State Lawrence Denney

**CERTIFICATE OF ORGANIZATION
OF
MCCOLLUM ENTERPRISES, LLC**

The undersigned, for the purpose of organizing a limited liability company pursuant to the Idaho Uniform Limited Liability Company Act ("Act"), do hereby state and adopt the following Certificate of Organization, and do hereby certify:

**SECTION I
NAME**

The name of the limited liability company ("Company") is: McCollum Enterprises, LLC.

**SECTION II
PRINCIPAL OFFICE**

The street address of the Company's principal office is: 199 Canyon Springs Rd., Twin Falls, ID, 83301. The mailing address of the Company's principal office is: P.O. Box 5492, Twin Falls, ID 83303.

**SECTION III
REGISTERED AGENT**

The name of the Company's initial registered agent is: Joseph D. McCollum, Jr. The street address of the Company's initial registered agent is: 1110 Warm Springs Ave., Boise, ID 83712.

**SECTION IV
GOVERNORS**

The names and addresses of the Company's initial governors are:

Joseph D. McCollum, Jr.
1110 Warm Springs Ave.
Boise, ID 83712

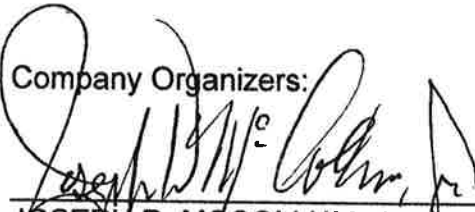
W. David McCollum
P.O. Box 5492
Twin Falls, ID 83303

**SECTION V
CORRESPONDENCE**

The mailing address for future correspondence is: 1110 Warm Springs Ave., Boise, ID 83712.

EXECUTED this 30th day of April, 2019.

Company Organizers:


JOSEPH D. MCCOLLUM, JR.


W. DAVID MCCOLLUM



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 • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 25, 2019

MC COLLUM ENTERPRISES LTD
PO BOX 5492
TWIN FALLS ID 83303-5492

Re: Withdrawal of Application for Transfer No. 83472
Water Right No(s). 36-7239, 02-7472, 47-7758, 47-8356, 47-8357

Dear Applicant(s):

Thank you for your recent withdrawal of the above referenced application. No further action is required and the matter is now closed. The filing fees paid on July 1, 2019 under receipt number S037410 will be applied to the Application for Transfer filed on September 23, 2019.

Please contact our office at 208-736-3033 if you have additional questions in this matter. Also, more information about water rights and other matters administered by this agency is available on the Internet at www.idwr.idaho.gov.

Sincerely,

A handwritten signature in blue ink that reads "Denise Maline". The signature is written in a cursive, flowing style.

Denise Maline
Administrative Assistant

c: Brockway Engineering



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

September 19, 2019

Corey Skinner
Idaho Department of Water Resources
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301

RECEIVED

SEP 23 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION

Re: McCollum Enterprises, Ltd.

Dear Mr. Skinner:

McCollum Enterprises, Ltd. is submitting a transfer application that will update the place of use of water rights 47-8357, 47-8356, 2-7472, 47-7758 and 36-7239 for fish propagation. The water right ownership, PODs and beneficial uses will not be changing.

A previous transfer of water rights was submitted to IDWR by McCollum Enterprises, Ltd with an associated fee. Please apply the fee that was submitted with the previous transfer to this transfer application.

Please contact me if you have any questions.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Dave McCollum

Enc: Transfer Application, Aerial Maps, Annual Report

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Copy for 83472



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JUL 01 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION

June 27, 2019

Corey Skinner
Idaho Department of Water Resources
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301

Re: McCollum Enterprises, Ltd.

Dear Mr. Skinner:

McCollum Enterprises, Ltd. is submitting a transfer application that will update the place of use of water rights 47-8357, 47-8356, 2-7472, 47-7758 and 36-7239 for fish propagation, aesthetic, heating and recreation. The water right ownership, PODs and beneficial uses will not be changing. The beneficial uses of power and irrigation will not be changing.

Please contact me if you have any questions.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Dave McCollum

Enc: Transfer Application, Aerial Maps, Annual Report, Brockway Engineering Check
#15399 for \$2,140.00

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506