

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 82863

RECEIVED

OCT 31 2018

Department of Water Resources
Eastern 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 idwr.idaho.gov.

Name of Applicant(s) Double D Farms, LLC

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

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

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

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

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

STATE OF IDAHO
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Department of Water Resources
Eastern RegionAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Double D Farms, LLCPhone 208-766-3314Mailing address 2333 W. 500 S.Email davissod@gmail.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 RepresentativeName of Representative Thomas J. BudgePhone 208-232-6101Mailing address 201 E. Center St., Pocatello, ID 83201Email tjb@racinelaw.net☐ Send all correspondence for this application to the representative and not to the applicant.

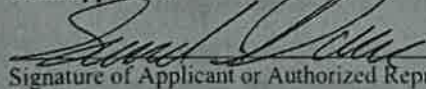
OR

☒ 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**.

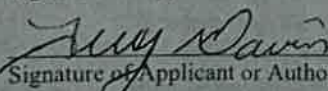
I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made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


Signature of Applicant or Authorized Representative

Samuel Davis, Manager

Print Name and Title if applicable

10-11-18
Date


Signature of Applicant or Authorized Representative

Terry Davis, Member

Print Name and Title if applicable

10-11-18
Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. 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**.
3. 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**.

Revise place of use and point of diversion of water right 15-2047 reflect irrigation practices under center pivot.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	15-2047	1.34	Irrigation	04/01 to 10/31	Groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.34 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.34 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	
14S	35E	25	34.5	29.5	35.5	33.5													133.0
Total Acres (for irrigation use)																			133.0

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 well. Measuring device and controlling works may be added in future.

- 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?

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: none

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:

There would be no effect on the land now irrigated. The place of use and point of diversion are to be changed to reflect actual irrigation practices.

- 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:

⁵³
A 57-acre portion of water right 15-7291 is being transferred to cover the same place of use.

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

Yes No

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

If yes, describe:

82863

Page _____ of _____

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

Current Water Right No.: 15-2047

Current Owner: JOHN LEWIS
Priority Date: 1/24/1955
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	/ to /	1.34 CFS	
	<u>Total Diversion</u>	1.34 CFS	

Location of Point(s) of Diversion

GROUND WATER
ONEIDA County

SE1/4NE1/4 Sec. 25, Twp 14S, Rge 35E B.M.

Place of Use

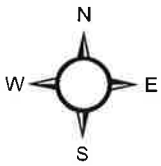
IRRIGATION Within ONEIDA County

T14S R35E S25	SWNE	40.00	T14S R35E S25	SENE	40.00
Total Acres: 80					

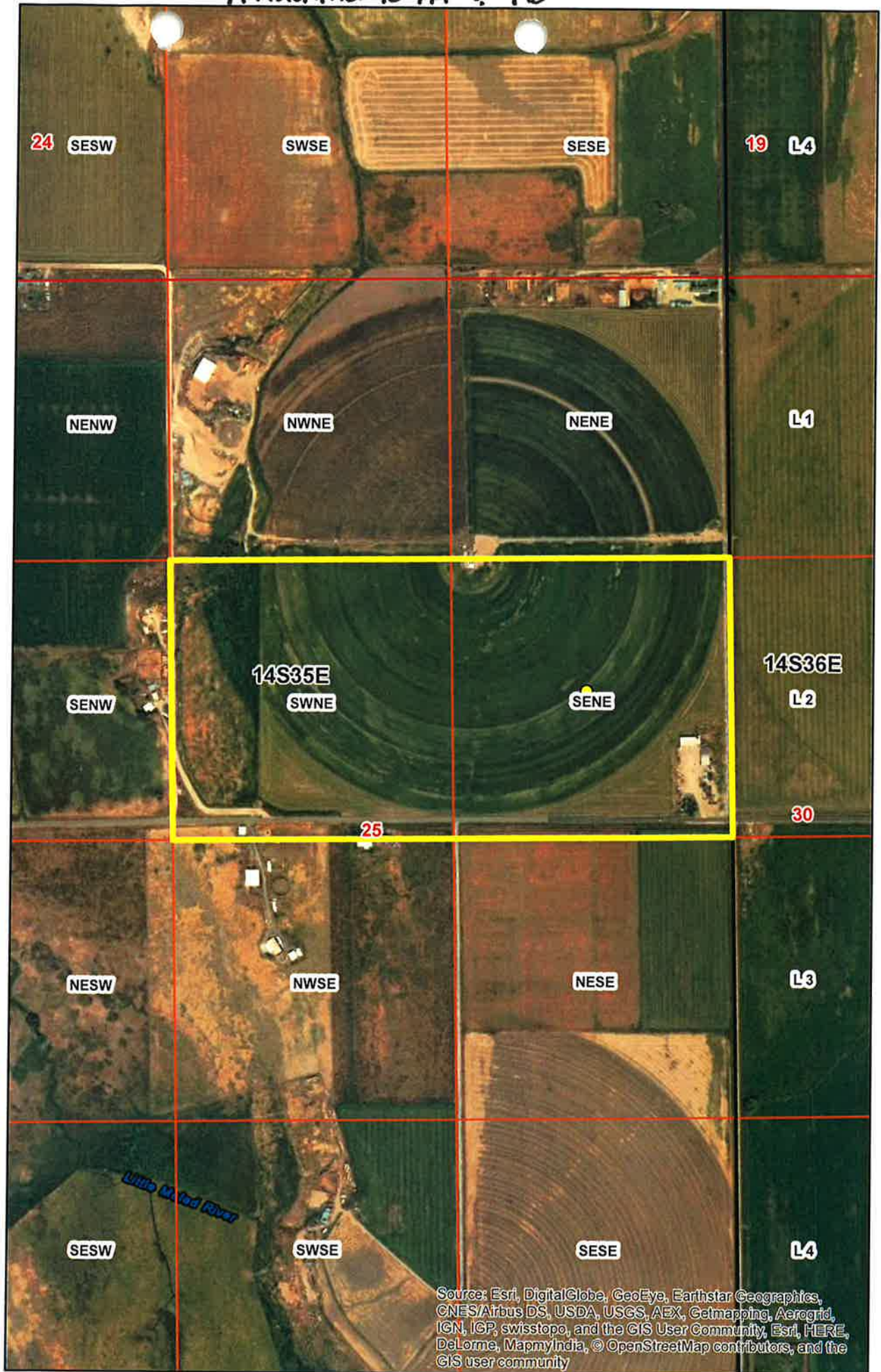
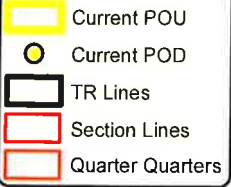
Licensed Date: 4/11/1979

82863

Attachments 7A & 7B



Legend

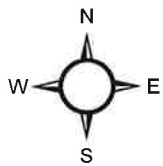


50299
#1
(Transfer)

Pre-Transfer

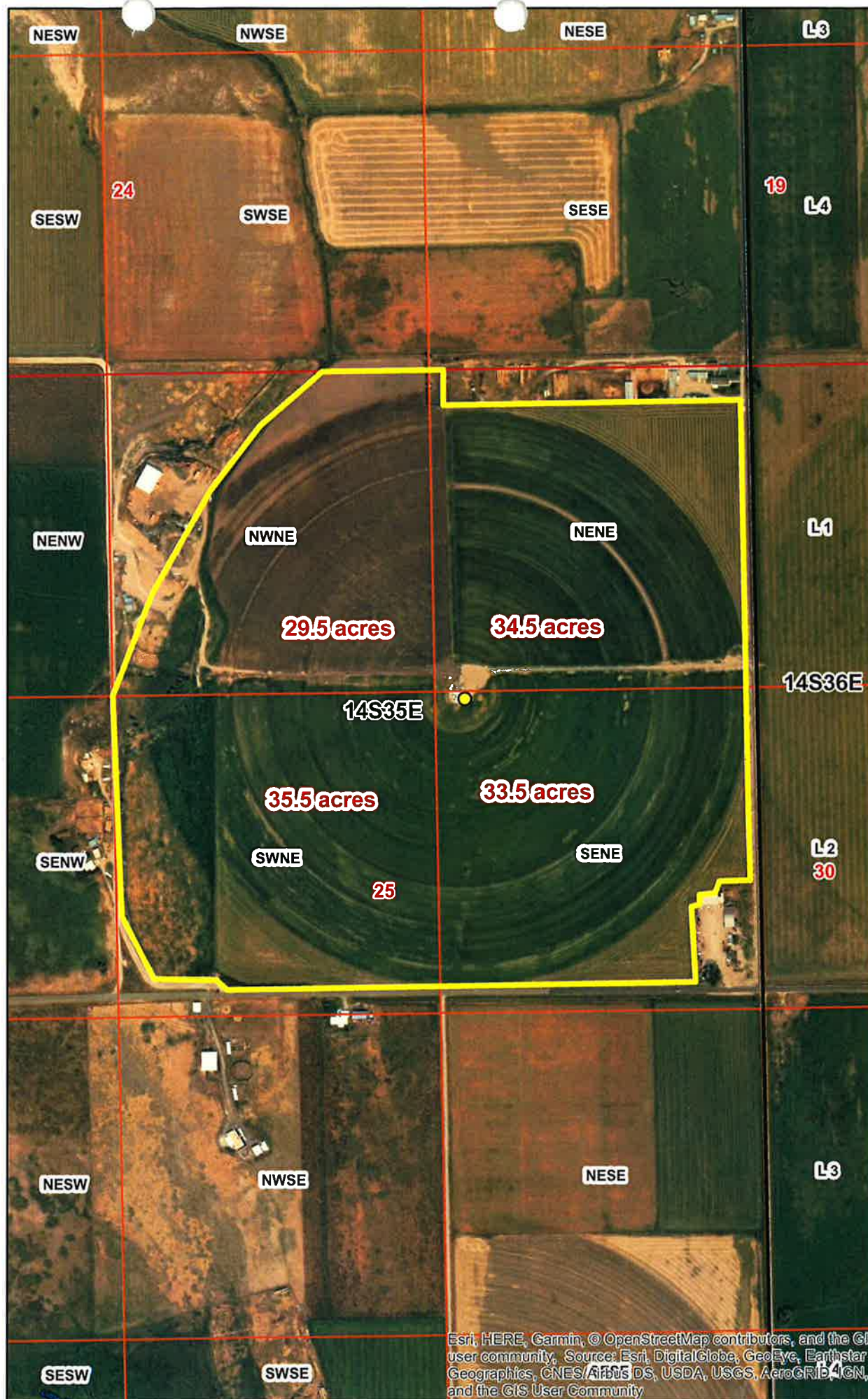
82863

Attachment 7B



Legend

- New POU
- New POD
- TR Lines
- Section Lines
- Quarter Quarters



50299
#1

2863

Post-Tension

Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

CORRECTED
WARRANTY DEED

Instrument No. 140051
 Date 30 Day November 2006
 At 2:30 O'clock P
Dustin W. Smith
 Notary Public, State of Idaho
 Fee \$ 300 Recorded at Request of Dustin W. Smith Deputy

For Value Received, JACK LEWIS and DONNA W. LEWIS, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto DOUBLE D FARMS, L.L.C., an Idaho Limited Liability Company, of 2333 West 500 South, Malad City, ID 83252, the Grantee, the following described premises, to-wit:

South One half of Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$), Section 25, Township 14 South, Range 35 East, Boise Meridian, in Oneida County, Idaho.

THIS DEED IS GIVEN TO CORRECT THAT QUITCLAIM DEED DATED SEPTEMBER 5, 2006, BETWEEN THE PARTIES HERETO, AND RECORDED SEPTEMBER 22, 2006, AS INSTRUMENT NO. 139715.

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

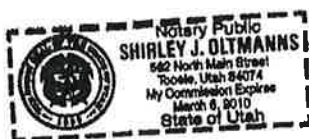
DATED: 24 Nov. 2006

Jack Lewis
 JACK LEWIS
Donna W. Lewis
 DONNA W. LEWIS

STATE OF UTAH)
 County of Tooele : ss.

On this 24th day of Nov., 2006, personally appeared before me, a notary public in and for said County and State, JACK LEWIS and DONNA W. LEWIS, known to me to be the persons whose names are subscribed to the foregoing 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 in this certificate first above written.



Shirley J. Oltmanns
 Notary Public
 Residing at: Tooele, UT
 My Commission Expires: Mar. 6, 2006

Fritz, Cooper

From: TJ Budge <tjb@racinelaw.net>
Sent: Wednesday, December 05, 2018 3:37 PM
To: Fritz, Cooper
Subject: 15-2047 transfer application

Cooper –

Thanks for the phone call today about the Double D Farms transfer application for water right 15-2047. This water right authorizes the irrigation of 80 acres and presently has a place of use of 80 acres. The transfer application seeks a PPU of 133 acres. A companion application for amendment of permit 15-7291 will provide an additional 53 acres so that there are water rights for the fully 133 acres.

You indicated that the Department typically requires a shapefile for the 80 acres currently being irrigated under 15-2047. In this instance I would ask that this not be required. In practice the full 133 acres have been irrigated for many years under 15-2047. The additional 53 acres are enlargement acres that may be claimed as such in the Bear River Adjudication; in fact, Double D considered simply waiting until the adjudication instead of amending permit 15-7291 to allocate 53 acres from that right to the PPU. However, Double D elected instead to move 53 acres under 15-7291 instead of waiting for the adjudication.

In light of this I would ask that the Department proceed with the transfer without requiring a shapefile of 80 acres currently being irrigated under 15-2047.

Thanks,

T.J. Budge
RACINE OLSON
201 E. Center St. | P.O. Box 1391 | Pocatello, Idaho 83204
P: (208) 232-6101 | F: (208) 232-6109
www.racinelaw.net

CONFIDENTIALITY NOTICE - This email and its attachments may contain information that is confidential, privileged, or otherwise protected from disclosure. If you believe this email may have been sent to you in error, please notify me immediately.

Cooper Fritz provided underline.

#1015
RECEIVED

FEB 04 20

Department of Water Resources
Eastern Region

THIS INDENTURE, made this 20th day of April in the year of our Lord, One Thousand Nine Hundred and Seventy Four, between

John Lewis, a widower
of Malad City, County of Oneida, State of Idaho
the party of the first part, and JACK LEWIS AND DONNA W. LEWIS, husband and wife, 413 Parkway Avenue, Toole, Utah 84074
of Toole, County of Toole, State of Utah
the parties of the second part:

WITNESSETH: That the said party of the first part, for and in consideration of the sum of THIRTY THOUSAND AND NO/100 DOLLARS, lawful money of the United States of America, to him in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged do es by these presents, Grant, Bargain, Sell and Convey and Confirm unto said parties of the second part, and to their heirs and assigns forever: All that certain lot, piece or parcel of land situate, lying and being in the County of Oneida, State of Idaho, bounded and more particularly described as follows, to-wit:

South One half of Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$),
Section 25, Township 14 Range 35 E. B. M., in
Oneida County, Idaho.

Together with all water rights appurtenant thereto.

5 shares capital stock in Malad Valley Irrigation Company
and
Permit No. 11807 covering a well

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said parties of the second part, and to their heirs and assigns forever and the said party of the first part, and his heirs and assigns warrant the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns against the said party of the first part, and his heirs and assigns against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Elbert J. Sweetser

John Lewis, a widower [SEAL]

[SEAL]

[SEAL]

[SEAL]

STATE OF IDAHO.

COUNTY OF Benewah

} ss:

On this 11 29th

day of Feb in the year 19 74 before me

the undersigned

a Notary Public in and for said County and

State, personally appeared John Lewis, a widower,

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he — executed the same.

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

Elroy J. Sweet
Notary Public
Residence Pocatello, Idaho

(SEAL)

my commission expires
2/21/77

101515
WARRANTY DEED

TO

Dated _____, 19__

STATE OF IDAHO,
COUNTY OF Benewah } ss:

I hereby certify that this instrument was filed for record at the request of

John Lewis
at 50 minutes past 11

o'clock P.M. this 3 day of

Sept A. D. 19 74
at my office and duly recorded in Book

of Deeds at page 101515

Segec D. Anderson
Ex-Officio Recorder

By _____ Deputy

Fee, \$ 4.00

W.D. # 01510
08/11/2/10

140051

Microfilm No. 140051
 30 Day November 2006
 at 2:30 O'clock p
Donna W. Lewis
 Notary Public, State of Utah
 Fee \$ 3.00
 Recorded at Request of Donna W. Lewis

**CORRECTED
WARRANTY DEED**

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TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: 24 Nov. 2006

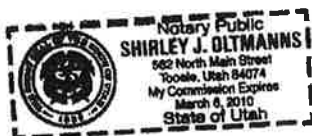
Jack Lewis
JACK LEWIS

Donna W. Lewis
DONNA W. LEWIS

STATE OF UTAH)
 County of Tooele : ss.

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



Shirley J. Oltmanns
 Notary Public
 Residing at: Tooele, Ut
 My Commission Expires: Mar. 6, 2010