

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

82962

B

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) L 3 LTD Partnership

RECEIVED

DEC 18 2018

Department of Water Resources
Eastern RegionCheck 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: _____

82962

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) L 3 LTD Partnership Phone 208-657-2252
Mailing address 2943 N 800 E, Montevue, ID 83435 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 Rocky Mountain Environmental Associates, Inc Phone 208-524-2353
Mailing address 482 Constitution Way Ste 303, Idaho Falls, ID 83402 Email kristin.rmea@gmail.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

10/23/18
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**.
Applicant proposes to transfer acres from pivot corner to a new location for use in a mini pivot. Transfer acres have been leased and rented through the Water Supply Bank and were withdrawn this year in anticipation of this transfer.

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						
☐	☒	31-2465	0.16 cfs	Irrigation	4/01 to 10-31	Ground Water
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total authorized under rights 0.16 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.16 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 #
			SW	SW	3	8N	33E	JEFERSON	GROUND WATER	

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	
8N	33E	3							5.2				5.2						10.4
Total Acres (for irrigation use)																			10.4

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:
One existing well that will divert to mainline and a 535' mini pivot irrigation system. Measuring devices and lockable controlling works already installed.

- b. Who owns the property at the point(s) of diversion? L3 LTD Partnership
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: Idaho Ag Credit FLCA**

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

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
The land now irrigated will be retired. No irrigation will occur from this or any other source.

- 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:
Existing POD provides water for 31-2380 and 31-2465. Existing POU only includes the right proposed in this transfer. Water rights 31-2439A and 31-2458A currently use the proposed POD. There are no other water rights appurtenant to the proposed POU.

- 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:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/8/2018

WATER RIGHT NO. 31-2465

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	L 3 LTD PARTNERSHIP C/O LANE NEWMAN 2943 N 800 E MONTEVIEW, ID 83435
Original Owner	ALFRED W WALKER 1629 N SONORAN DR ST GEORGE, UT 84770 2086742297
Security Interest	IDAHO AGCREDIT FLCA 1586 N 2 E REXBURG, ID 83440

Priority Date: 02/09/1961

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	2.42 CFS	560 AFA
Total Diversion			2.42 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SENENE|Sec. 10|Township 08N|Range 33E|JEFFERSON County

Place(s) of use:

82962

Place of Use Legal Description: IRRIGATION JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
08N	33E	11		NENW	40		NWNW	40		SWNW	40		SENE	40

Total Acres: 160

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. RIGHT NO. 31-02380 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Dates:

Licensed Date:

Decreed Date: 02/22/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 110

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

82962

Water Supply Bank:

Lessor Name(s): L 3 LTD PARTNERSHIP
L3 LTD PARTNERSHIP

Lease Status: Active

Lease Amount: .31cfs

Rental Availability: None

Date Received: 3/6/2017

Lease Begin Date: 1/1/2017

Expiration Date: 12/31/2021

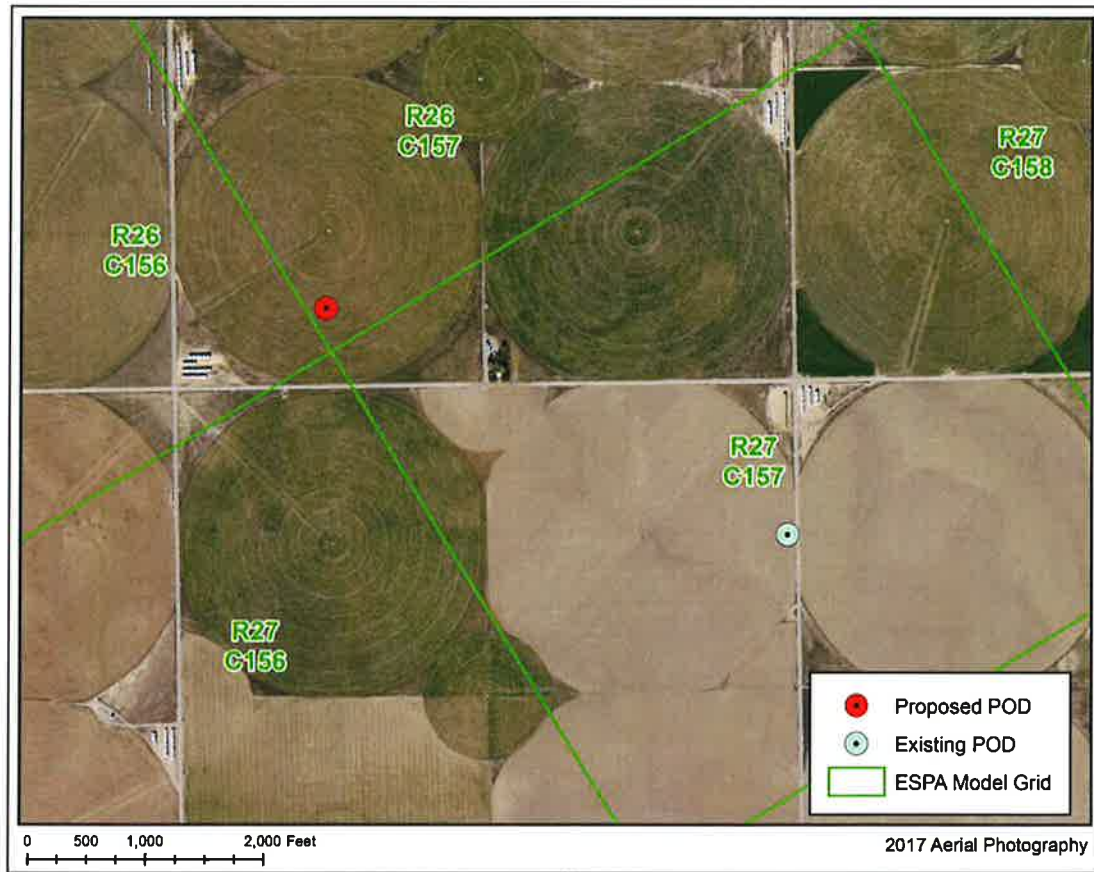
Close

82962

Eastern Snake Plain Aquifer Modeling Analysis for 31-2465*L3 LTD Partnership*

The Applicant proposes to split a portion of water right 31-2465 and transfer the split portion to a new point of diversion. The existing point of diversion and the proposed point of diversion are located in adjacent model cells. Figure 1 shows the wells within the model grid. No modeling is required.

Figure 1. ESPA Model Grid





1586 N 2 E
Rexburg, Idaho 83440
208.356.5479 or 800.632.8821
Fax: 208.356.6037
www.idahoagcredit.com

November 28, 2018

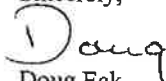
Idaho Department of Water Resources
900 N Skyline Dr. Ste A
Idaho Falls, Idaho 83402-1718

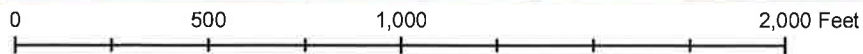
RE: L3 Limited Partnership Water Right #31-2465

Gentlemen,

Idaho AgCredit has reviewed the proposed transfer of .16 cfs and .17 cfs and grants authority for these proposed water rights to be transferred from the property we have a lien on. Feel free to call me at the above number if you require further information.

Sincerely,


Doug Eck
Loan Officer
Idaho ACA

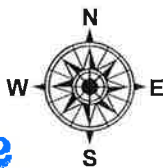


2017 Aerial Photography

Legend

- Proposed POD QQ
- Proposed POU
- Twp & Rng
- Section

82962



Proposed WR 31-2465

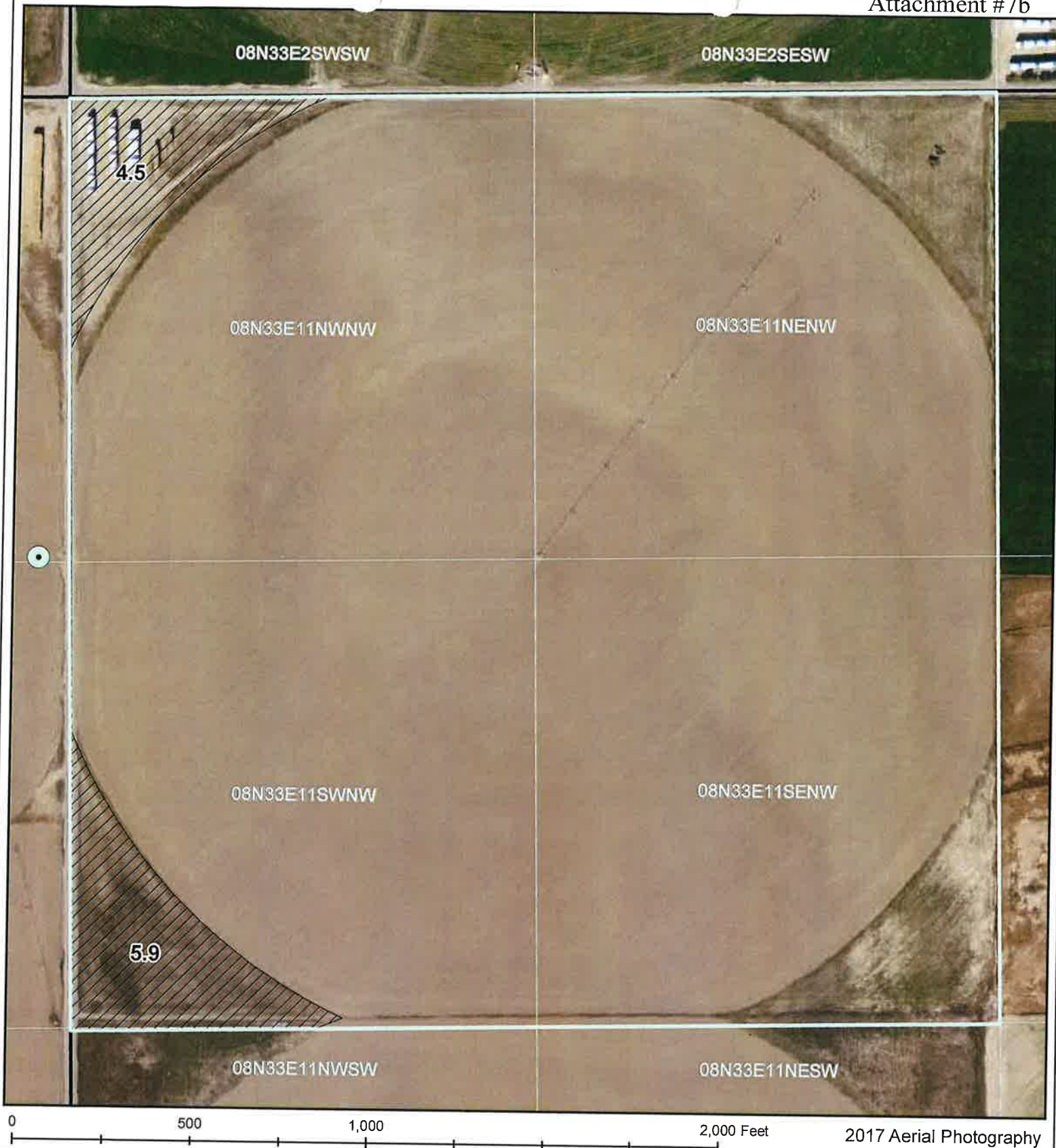
L3 LTD Partnership

RMEA #14-004

by: KM

Date: 10/18/2018





Legend

- Existing POD
- Section
- WRPOU 31-2465
- Retired Acres
- Twp & Rng
- QQ

82962



Existing WR 31-2465

L3 LTD Partnership

RMEA #14-004

by: KM

Date: 10/18/2018





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DEC 18 2018
Department of Water Resources
Eastern Region

December 13, 2018

RMEA 14-0004

Idaho Department of Water Resources
900 N Skyline Dr Ste A
Idaho Falls, ID 83402

Re: Companion Transfer Applications for L1 LTD Partnership, L2 LTD Partnership, and L3 LTD Partnership

Dear IDWR,

Please find enclosed four transfer applications on behalf of L1 LTD Partnership, L2 LTD Partnership, or L3 LTD Partnership. The intent of these transfers is to retire corners and reconfigure acres to allow for installation of mini pivots. This requires some redistribution of water rights between the three entities' properties. Attached to each transfer that includes multiple entities is an authorization letter signed by all three entities allowing the proposed changes. Lien holder letters have also been provided where required.

The portions of water rights 31-2465 and 31-2380 included in these transfers have been leased to the Water Supply Bank, and rented each year to other users. They were released from the Bank this summer and will be available for diversion again beginning in the 2019 season.

Table 1 below shows a summary and correlation between the acres proposed to be transferred under all four transfer applications. Water rights 31-12004 and 31-12006 have combined use limitations.

Table 1. Summary of Transfers

Water Right No.: Owner:	31-2465			31-2380			31-12004*			31-12006*			31-11989			Total
	L3 LTD PARTNERSHIP			L2 LTD PARTNERSHIP			L1 LTD PARTNERSHIP			L1 LTD PARTNERSHIP			L2 LTD PARTNERSHIP			Trans
	ac	cfs	AFA	ac	cfs	AFA	ac	cfs	AFA	ac	cfs	AFA	ac	cfs	AFA	cfs
EXISTING WATER RIGHT	160	2.42	560	160	1.92	560	84.6	1.19	296.2	150	0.93	228.8	4	0.06	14	
Transfer A	11.2	0.17	39.2													0.17
Transfer B	10.4	0.16	36.4													0.16
Transfer C				3.5	0.04	12.3	2.9	0.04	10.3	5.2	0.03	7.9				0.11
Transfer D	1.1	0.02	3.8	3.8	0.05	13.3							4	0.06	14	0.13
REMAINING AMTS	137.3	2.07	480.6	152.7	1.83	534.4	81.7	1.15	285.9	144.8	0.9	220.9				

Transfers A and B simply propose to remove corners from water right 31-2465 for use at another location.

Transfer C proposes to first correct ownership of Rights 31-12004 and 31-12006. It appears that in a past transfer involving numerous water rights, these two rights were erroneously included in an ownership change. The deeds submitted with the transfer application (which can be found in the backfile of water right 31-2340) described a property very close in description, resulting in these two rights being changed into the name of L3 LTD Partnership. However, the property has never been owned by L3 LTD partnership. Deeds have been attached to this application to show that the property should be in the name of L1 LTD Partnership.

The remaining acres under water rights 31-12004 and 31-12006 do not correlate exactly to the place of use shapefile available from IDWR. Swing arms and end guns have been removed from the large pivot and mini pivots have been installed in corners. The acres irrigated within the QQs remains unchanged. A shapefile can be provided to update IDWRs shapefile for the actual irrigated acres under the pivots upon request (for the remaining portion of these rights).

Transfer D proposes to transfer acres from 31-2465 and 31-2380, which are included in Transfers A and B, or C. For Right 31-2380, the total acres to be transferred was determined by evaluating the acres that would remain under irrigation and subtracting that amount from the total water right place of use. Then the amount transferred under Transfer C was subtracted, leaving 3.8 acres available for transfer. This method was preferred since the measured acres in corners plus the remaining irrigation totaled more than the water right allowed.

Also in Transfer D, it is proposed to remove the full amount of 31-11989 to be relocated. The areas under this water right have been developed into farm facilities and will no longer be irrigated. The points of diversion will not change.

A check for filing fees is also enclosed, including the \$200 filing fee per transfer and an additional \$50 ownership change fee for Transfer C.

Thank you,



Kristin Moore
Senior Water Rights Analyst

Enclosures: Four (4) Transfers
 Check for Filing Fees