

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

RECEIVED  
JUN 07 2018

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

Department of Water Resources  
Water Rights

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)** Brown Delta II, LLC Phone (208) 390-8298  
2. **MAILING ADDRESS** 101 Mission Street, Suite 505 City San Francisco  
State CA Zip 94105 Email kyle.jacobs@homesteadcapital.com

- ☐ 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)** 31-11913 and 31-11915

- ☒ 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 1.62 cubic feet per second and/or 283.5 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 # |
|------|-----|----|----|---|-----|-----|-----|--------|-------------|---------------------|
|      |     | SE | SE |   | 26  | 9N  | 36E | Clark  | Groundwater |                     |
|      |     |    |    |   |     |     |     |        |             |                     |
|      |     |    |    |   |     |     |     |        |             |                     |
|      |     |    |    |   |     |     |     |        |             |                     |
|      |     |    |    |   |     |     |     |        |             |                     |
|      |     |    |    |   |     |     |     |        |             |                     |
|      |     |    |    |   |     |     |     |        |             |                     |
|      |     |    |    |   |     |     |     |        |             |                     |
|      |     |    |    |   |     |     |     |        |             |                     |
|      |     |    |    |   |     |     |     |        |             |                     |

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:

Groundwater well with electric pump. Variance approved for PCC measurement.

- 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. 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:

Water rights are subject to the IGWA-SWC Settlement Agreement Mitigation Plan.

- 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  $\frac{1}{4}$  of section information. The Map Tool, available at [maps.idwr.idaho.gov/TransferApplicationLayouts/](http://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.

Patrick Trainor  
Signature of applicant or authorized agent

PATRICK TRAINOR / AUTHORIZED OFFICER 6-5-2018  
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/WaterRightTransfers](http://www.idwr.idaho.gov/WaterRightTransfers), Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes \_\_\_\_\_ pages of attachments. Received by SL Date 6/7/18  
Fee paid 580- Date 6/7/18 Received by SL Receipt # ED44082  
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)

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

6/4/2018

WATER RIGHT NO. 31-11913

| <u>Owner Type</u> | <u>Name and Address</u>     |
|-------------------|-----------------------------|
| Current Owner     | BLAINE L LARSEN             |
| Current Owner     | CONNIE L LARSEN             |
|                   | PO BOX 188                  |
|                   | HAMER, ID 83425-0188        |
|                   | 2086625501                  |
| Representative    | STEVE VADNAIS               |
|                   | PO BOX 188                  |
|                   | HAMER, ID 83425             |
| Security Interest | RABO AGRIFINANCE LLC        |
|                   | 14767 N OUTER 40 RD STE 400 |
|                   | CHESTERFIELD, MO 63017      |

Priority Date: 04/23/1983

Basis: Decreed

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            | 04/15       | 10/15     | 1.16 CFS              | 186.6 AFA     |
| Total Diversion       |             |           | 1.16 CFS              |               |

Location of Point(s) of Diversion:

82528

6/4/2018, 10:30 AM

GROUND WATER|NWNE|Sec. 35|Township 09N|Range 36E|CLARK County

IRRIGATION Use:

Acre Limit: 79.7

Place(s) of use:

Place of Use Legal Description: IRRIGATION CLARK County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 09N      | 36E   | 25      |     | NWSW  | 2.1   |     | SWSW  | 24.3  |     |       |       |     |       |       |
|          |       | 26      |     | NESE  | 4.2   |     | SESE  | 34.7  |     |       |       |     |       |       |
|          |       | 35      |     | NENE  | 10    |     |       |       |     |       |       |     |       |       |
|          |       | 36      |     | NWNW  | 5.7   |     |       |       |     |       |       |     |       |       |

Total Acres: 81

Conditions of Approval:

1. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. X27 This right is limited to the irrigation of 79.7 acres within the place of use described above in a single irrigation season.
3. 115 Prior to the diversion and use of water under Transfer approval 70350, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
4. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
5. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

## Dates:

Licensed Date:

Decreed Date: 11/14/2003

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: And

Water District Number: 110

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 81

Combined Volume Limit:

Combined Rate Limit:

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

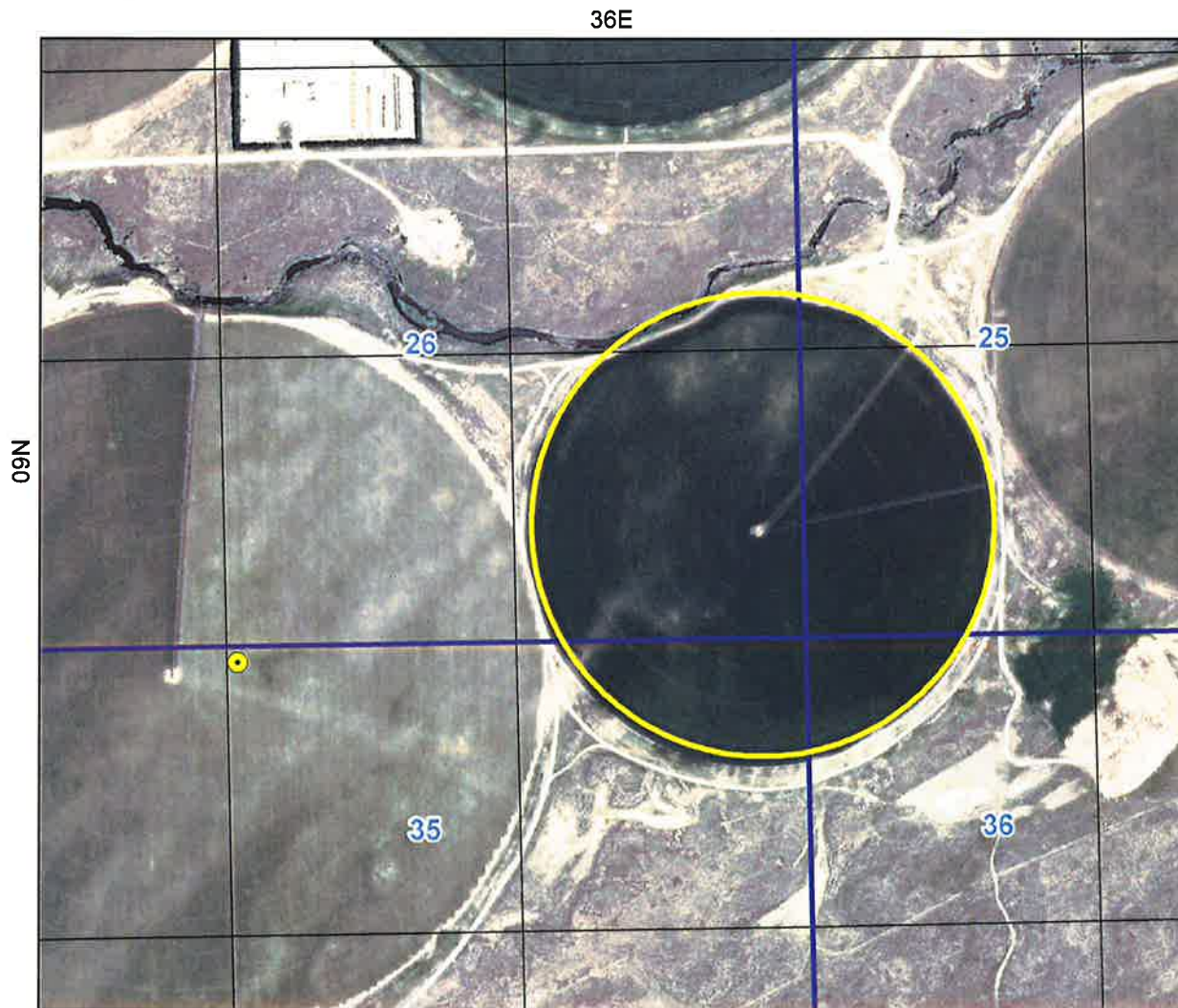
[Close](#)

State of Idaho  
Department of Water Resources

**Water Right**  
**31-11913**

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.1 0.2 0.4 Miles



Map produced on June 04, 2018

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[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

6/4/2018

WATER RIGHT NO. 31-11915

| <u>Owner Type</u> | <u>Name and Address</u>                                                       |
|-------------------|-------------------------------------------------------------------------------|
| Current Owner     | BLAINE L LARSEN                                                               |
| Current Owner     | CONNIE L LARSEN<br>PO BOX 188<br>HAMER, ID 83425-0188<br>2086625501           |
| Representative    | STEVE VADNAIS<br>PO BOX 188<br>HAMER, ID 83425                                |
| Security Interest | RABO AGRIFINANCE LLC<br>14767 N OUTER 40 RD STE 400<br>CHESTERFIELD, MO 63017 |

Priority Date: 04/23/1983

Basis: Decreed

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            | 04/15       | 10/15     | 0.01 CFS              | 2.8 AFA       |
| Total Diversion       |             |           | 0.01 CFS              |               |

Location of Point(s) of Diversion:

82528

GROUND WATER|NWNE|Sec. 35|Township 09N|Range 36E|CLARK County

IRRIGATION Use:

Acre Limit: 1.3

Place(s) of use:

Place of Use Legal Description: IRRIGATION CLARK County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 09N      | 36E   | 25      |     | NWSW  | 2.1   |     | SWSW  | 24.3  |     |       |       |     |       |       |
|          |       | 26      |     | NESE  | 4.2   |     | SESE  | 34.7  |     |       |       |     |       |       |
|          |       | 35      |     | NENE  | 10    |     |       |       |     |       |       |     |       |       |
|          |       | 36      |     | NWNW  | 5.7   |     |       |       |     |       |       |     |       |       |

Total Acres: 81

Conditions of Approval:

1. X61 The use of water for irrigation under this right may begin as early as 4/1 and may continue to as late as 10/31 provided other elements of the right are not exceeded. The use of water for irrigation before 4/15 and after 10/15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 12/16/03.
2. 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. 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.
4. X27 This right is limited to the irrigation of 1.3 acres within the place of use described above in a single irrigation season.
5. E55 Use of this right with right no. 31-11913 is limited to the irrigation of a combined total of 81 acres in a single irrigation season.
6. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. 115 Prior to the diversion and use of water under Transfer approval 70350, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.

Dates:

Licensed Date:

Decreed Date: 11/02/2004

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: And

Water District Number: 110

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 81

Combined Volume Limit:

Combined Rate Limit:

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

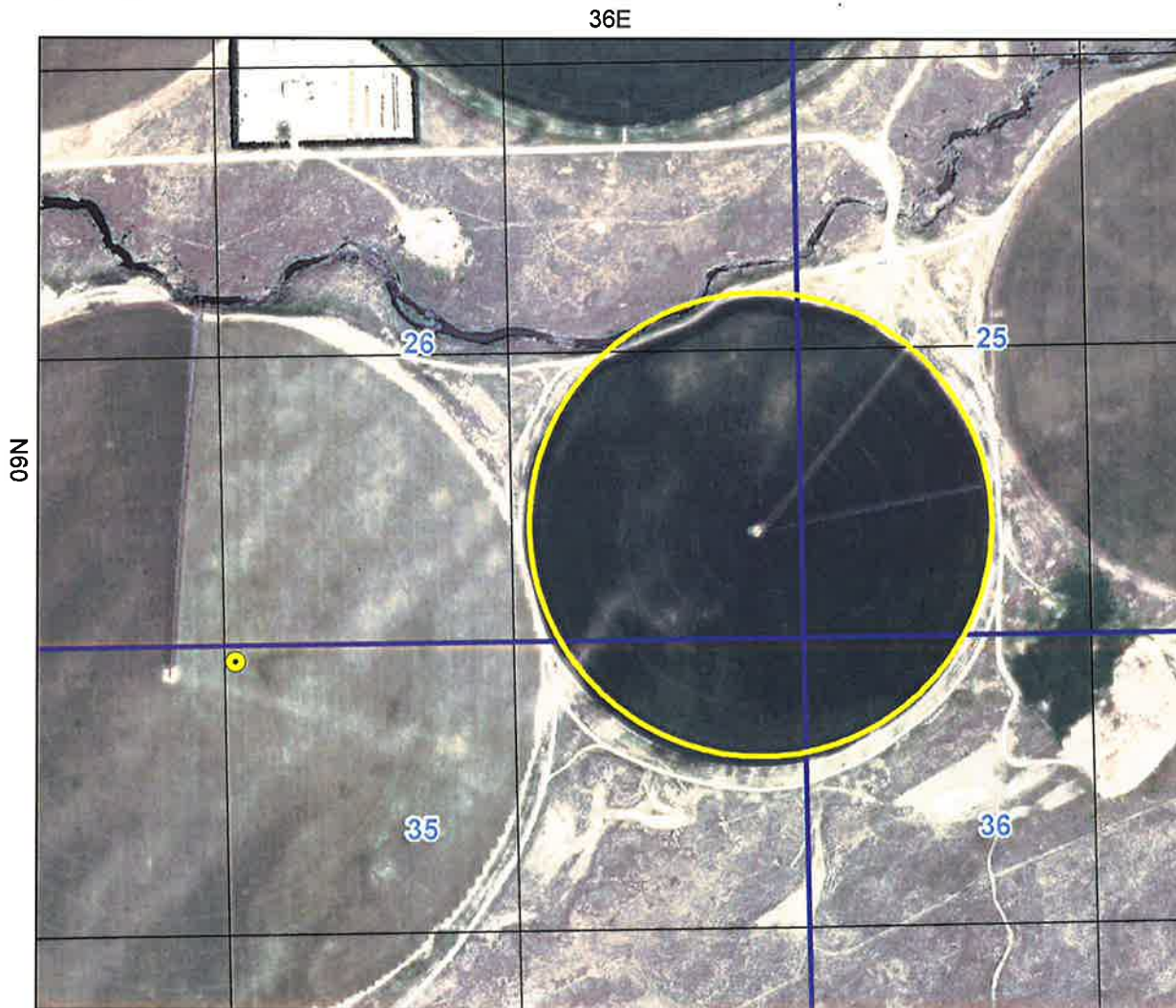
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State of Idaho  
Department of Water Resources

**Water Right**  
**31-11915**

IRRIGATION

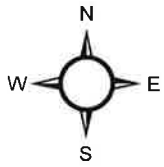
The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.1 0.2 0.4 Miles





### Legend

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



515.47180.14

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

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RECEIVED  
JUN 07 2018

Department of Water Resources  
Eastern Region

June 4, 2018

Idaho Department of Water Resources  
Eastern Region  
900 N Skyline Drive, Suite A  
Idaho Falls, Idaho 83402-1718

**Re: Application for Transfer  
Point of Diversion Change  
Water Right Nos. 31-11913 and 31-11915**

Dear James:

Enclosed please find the original and copy of an Application for Transfer of the above-identified water rights, together with a check in the amount of \$580.00 for the filing fee and self-addressed return envelope. Please file the original and conform stamp and return the copy in the enclosed envelope.

Should you have any questions, please give me a call.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T.J. Budge', is written over the printed name.

T.J BUDGE

c: Kyle Jacobs