

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 82505

**MINIMUM REQUIREMENTS CHECKLIST**  
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED  
JUN 27 2018

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 [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

Name of Applicant(s) Icehouse Creek Ranch, 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 [www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm](http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm).
- ☒ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ \* #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. 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  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Icehouse Creek Ranch, LLC Phone \_\_\_\_\_  
Mailing address PO Box 40, Ririe, ID 83443 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 Luke H. Marchant Phone (208) 523-0620  
Mailing address PO Box 50130, Idaho Falls, ID 83405 Email lmarchant@holdenlegal.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

Luke H. Marchant, Attorney  
Print Name and Title if applicable

06/25/2018  
Date

\_\_\_\_\_  
Signature of Applicant or Authorized Representative

\_\_\_\_\_  
Print Name and Title if applicable

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

The purpose of this Application is to change the point of diversion and place of use of Water Right No. 21-13024.

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<br>(cfs/ac-ft) | Nature of Use         | Period of Use  | Source & Tributary |
|-----------------------------------------------------------------------------|--------------|-----------------------|-----------------------|----------------|--------------------|
| All or Part<br><input checked="" type="checkbox"/> <input type="checkbox"/> | 21-13024     | 1.62 cfs              | Irrigation/Stockwater | 05/01 to 10/31 | Icehouse Creek     |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |                       | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |                       | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |                       | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |                       | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |                       | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |                       | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |                       | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |                       | to             |                    |

Total authorized under rights 1.62 cfs and/or \_\_\_\_\_ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.62 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 # |
|-------|-----|----|----|----|-----|-----|-----|---------|----------------|---------------------|
|       |     | SE | SE | SE | 02  | 13N | 41E | Fremont | Icehouse Creek |                     |
|       |     |    |    |    |     |     |     |         |                |                     |
|       |     |    |    |    |     |     |     |         |                |                     |
|       |     |    |    |    |     |     |     |         |                |                     |
|       |     |    |    |    |     |     |     |         |                |                     |

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 |             |
| 13N                              | 41E | 14  |      | 22 |    |    | 27   |    |    |    |      |    |    |    |      |    |    |    | 49          |
|                                  |     | 22  |      |    |    |    |      |    |    |    |      |    |    |    | 28   |    |    |    | 28          |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
| Total Acres (for irrigation use) |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    | 77          |

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:

Small dam diverts water from Icehouse Creek into ditch.

- b. Who owns the property at the point(s) of diversion? United State Forest Service

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Applicant has an oral agreement with USFS enabling them to access the point of diversion.

- 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: The Bank of Commerce, c/o Western AgCredit holds a mortgage on the place of use and the water right.

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 current place of use will no longer be 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:

Water Right Nos. 21-4033 and 21-10951 are also diverted at the proposed point of diversion.

- 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

1/2/2018

WATER RIGHT NO. 21-13024

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                                      |
|-------------------|------------------------------------------------------------------------------------------------------------------------------|
| Current Owner     | ICEHOUSE CREEK RANCH LLC<br>PO BOX 40<br>RIRIE, ID 83443                                                                     |
| Security Interest | THE BANK OF COMMERCE<br>C/O WESTERN AG CREDIT<br>10980 W SOUTH JORDAN GATEWAY<br>PO BOX 95850<br>SOUTH JORDAN, UT 84095-0850 |

Priority Date: 06/01/1899

Basis: Decreed

Status: Active

| <u>Source</u>  | <u>Tributary</u> |
|----------------|------------------|
| ICEHOUSE CREEK | HENRYS FORK      |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 05/01       | 10/31     | 1.6 CFS               |               |
| STOCKWATER            | 05/01       | 10/31     | 0.02 CFS              |               |
| Total Diversion       |             |           | 1.62 CFS              |               |

Location of Point(s) of Diversion:

ICEHOUSE CREEK|NENWSW|Sec. 23|Township 13N|Range 41E|FREMONT County

Place(s) of use:

Place of Use Legal Description: IRRIGATION FREMONT County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 13N      | 41E   | 23      |     | NWSW  | 39    |     | SWSW  | 38    |     |       |       |     |       |       |

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 77

Conditions of Approval:

1. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
2. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.  
This partial decree is subject to such general provisions necessary for the definition of the rights or for
3. C18 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. THIS IS A CLAIM FOR ALL OF THE DECREED RIGHT 21-80

Dates:

Licensed Date:

Decreed Date: 02/02/2007

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:

Owner Name Connector:

Water District Number:

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:

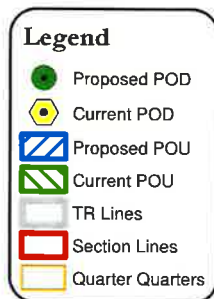
DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close





0528

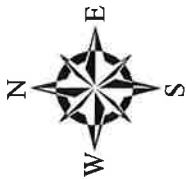
ESRI Basemap



Prepared by:  
Luke H. Marchant  
06/25/2018



# WATER RIGHT NO. 21-13024 APPLICATION FOR TRANSFER



**Legend**

- Proposed POD
- Current POD
- Proposed POU
- Current POU
- TR Lines
- Section Lines
- Quarter Quarters



82505

ESRI Basemap



Prepared by:  
Luke H. Marchant  
06/25/2018

June 26, 2018

To: Idaho Department of Water Resources  
From: The Bank of Commerce, c/o Western AgCredit, FLCA  
Subject: Transfer of Water Rights in the name of Icehouse Creek Ranch, LLC

The Bank of Commerce, c/o Western AgCredit, FLCA is the holder of a real estate mortgage on property owned by Icehouse Creek Ranch, LLC in Fremont County, Idaho. The mortgage is evidenced by Instrument No. 543442 recorded in the records of Fremont County, Idaho. The mortgaged property is described in Exhibit A which is attached hereto. I understand that Icehouse Creek Ranch, LLC plans to file a water right transfer application to move Water Right No. 21-13024 to a different portion of the mortgaged property located within Section 14 and Section 22 of Township 13N., Range 41E.B.M. as shown on the map attached hereto as Exhibit B. The Bank of Commerce, c/o Western AgCredit, FLCA has no objection to this application for water right transfer, and I have the authority on behalf of The Bank of Commerce, c/o Western AgCredit, FLCA to consent to the transfer.

Garn A Lowell

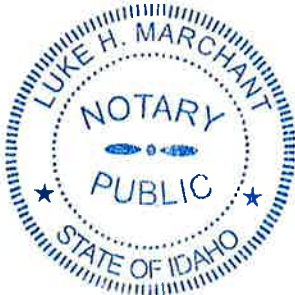
Printed Name: Garn A Lowell

Position: Regional Up Western Agcredit

STATE OF Idaho )  
COUNTY OF Bonneville ) ss.

On this 26th day of June 2018, before me, a Notary Public for said County and State, personally appeared Garn A. Lowell, known or identified 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.



Luke H Marchant  
NOTARY PUBLIC FOR IDAHO  
Residing at: Blackfoot, ID  
My commission expires: July 20, 2021

**EXHIBIT "A"**

**PARCEL NO(S): RP13N41E133000, RP13N41E140001, RP13N41E150002,  
RP13N41E22CE00, RP13N41E23CE00, RP13N41E243000**

**Township 13 North, Range 41 E.B.M., Fremont County, Idaho.**

**Section 13: W $\frac{1}{2}$ W $\frac{1}{2}$**

**Section 14: E $\frac{1}{2}$ ; E $\frac{1}{2}$ NW $\frac{1}{4}$ ; NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$**

**Section 15: SW $\frac{1}{4}$ SE $\frac{1}{4}$**

**Section 22: E $\frac{1}{2}$ SE $\frac{1}{4}$**

**Section 23: NE $\frac{1}{4}$ ; E $\frac{1}{2}$ NW $\frac{1}{4}$ ; SW $\frac{1}{4}$ ; W $\frac{1}{2}$ SE $\frac{1}{4}$ ; NE $\frac{1}{4}$ SE $\frac{1}{4}$**

**Section 24: W $\frac{1}{2}$ NW $\frac{1}{4}$**

TOGETHER WITH the following water rights registered with the State of Idaho Department of Water Resources: Water Right Number(s): 21-13024, 21-10951.

ALSO TOGETHER with all debtor(s) right, title and interest in, to and under Lease no(s). G9246, by and between debtor(s) (tenant/lessee) and the State of Idaho Department of Lands (landlord/lessor), including all renewals or replacements thereof.

[Search again](#)

## Results (as of 6/6/18)

### Luke Hyrum Marchant

**Status**

Active

**Admittance Date**

09/30/2008

**Firm**

Holden, Kidwell, Hahn &amp; Crapo, PLLC

**Mailing Address**

PO Box 50130

Idaho Falls, ID 83405

**Phone**

(208) 523-0620

**Phone Ext****Fax**

(208) 523-9518

**Email Address**

lmarchant@holdenlegal.com

**Website Address**

www.holdenlegal.com

### Need a correction?

Is something not correct? Please use the [Address Change Form](#)

The information above is based on the Idaho State Bar records as of the date listed above. To send us an update on your own listing, please use the online [Address Change Form](#) or send an email to the Licensing Department. Please notify the

Information on former members of the Idaho State Bar is limited to name, admission date and status. The online records include former members going back to approximately 1994. Records on former members from before 1994 are not available online. Please contact the Licensing Department for more information on former members.