

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECEIVED**FEB 26 2018**DEPT. OF WATER RESOURCES
SOUTHERN REGION**APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION**

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.

RECEIVED

Check all that apply:

- ☒ Change diversion point(s)
 ☐ Add diversion point(s)
 ☐ Ownership change
 ☐ Ownership split

APR 11 2018DEPT. OF WATER RESOURCES
SOUTHERN REGION1. **APPLICANT(S)** ISE 555 Broadway LLC Phone _____2. **MAILING ADDRESS** P.O. Box 267 City GalenaState MD Zip 21635 Email _____

- ☐ 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)** 47-4107A

- ☒ 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 1.20 cubic feet per second and/or 224.0 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	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
y			NE	NE	30	11S	19E	Twin Falls	Ground Water	Well to be drilled (See April 17, 2018 Email)

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:
New well and additional mainline with approved flow meter serving center pivot and hand lines.
- 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:
- 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 $\frac{1}{4}$ $\frac{1}{4}$ of section information. The Map Tool, available at 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.
- Denise Ford
Signature of applicant or authorized agent
- Denise Ford, Manager
Print name and title if applicable
- 3/27/17
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, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by DM Date 2/26/2018
Fee paid \$580- Date 2/26/2018 Received by DM Receipt # 50316004
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)

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

Current Water Right No.: 47-4107a

Current Owner: ISE 555 BROADWAY LLC

Priority Date: 3/15/1956

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	1.2 CFS	224 AF
	<u>Total Diversion</u>	1.2 CFS	224 AF

Location of Point(s) of Diversion

GROUND WATER

TWIN FALLS County

NW1/4SE1/4NE1/4

Sec. 30, Twp 11S, Rge 19E B.M.

Place of Use

IRRIGATION Within TWIN FALLS County

T11S R19E S29	NWNW	40.00	T11S R19E S29	SWNW	36.00
T11S R19E S30	NENE	40.00	T11S R19E S30	SENE	40.00
Total Acres: 156					

Conditions of Approval:

1. P21 This right is a split from former right 47-4107.
2. K06 This right is limited to the irrigation of 56 acres within the place of use described above in a single irrigation season.
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. E56 The rights listed below are limited to the irrigation of a combined total of 156 acres in a single irrigation season. Combined Right Nos.: 47-173, 47-174, 47-4107A
5. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands below.
6. E55 Right No. 47-4107A and Right Nos. 47-174, 47-173, & 47-4110 are limited to the irrigation of a combined total of 196 acres in a single irrigation season.
7. S40 The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.



JCH - 1/25/2018

2015 NAIP Aerial Photo



- Proposed NEW Point of Diversion (47-4107A)
- Existing Point of Diversion (47-4107A)
(Well to be properly filled and abandoned upon approval)
- 47-4107A Existing Authorized Place of Use
- Township & Range
- Sections
- 40's



Application for Water Right Transfer (Change POD) Attachment #7a

TRANSFER 82201

No. W 138684	Due no later than Jun 30, 2017 Annual Report Form		2. Registered Agent and Address (NO PO BOX)
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. ISE 555 BROADWAY, LLC ISE 555 BROADWAY, LLC PO BOX 267 GALENA MD 21635 USA		NATIONAL REGISTERED AGENTS INC 921 S ORCHARD ST STE G BOISE ID 83705
			3. <u>New</u> Registered Agent Signature:*
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.			
Office Held MANAGER	Name DENISE J FORD	Street or PO Address P.O.BOX 267	City State Country Postal Code GALENA MD USA 21635
5. Organized Under the Laws of: NY W 138684	6. Annual Report must be signed.* Signature: Denise Ford Date: 05/09/2017 Name (type or print): Denise Ford Title: Manager		
Processed 05/09/2017		* Electronically provided signatures are accepted as original signatures.	



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 27, 2018

ISE 555 BROADWAY LLC
PO BOX 267
GALENA, MD 21635

RE: Transfer No. 82201
Water Right No(s). 47-4107A

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 5/3/2018 and 5/10/2018**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **May 21, 2018**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

cc: TSK ENTERPRISES LLC, C/O GARY L FUNDERBURG

Maline, Denise

From: Maline, Denise
Sent: Friday, April 27, 2018 11:29 AM
To: Times News
Subject: LEGAL NOTICES
Attachments: Times News cover letter.docx; Times News ad.doc; TFGWMA Legal Notice 2018.docx

Attached please find (2) legal notice being submitted for publication. **Please note:** the ad labeled "Times News ad" is for publication on the normal dates of May 3rd & 10th, 2018. The ad labeled "TFGWMA legal notice 2018" is for publication on May 3rd, 10th, and 17th, 2018.

Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you again for your flexibility,

Denise

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
[*denise.maline@idwr.idaho.gov*](mailto:denise.maline@idwr.idaho.gov)



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 27, 2018

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Transfer No. 81943

Water Right No(s). 45-10107, 45-13611, 45-13661, 45-14464, 45-2075, 45-2176, 45-2220, 45-2236, 45-2270, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-2408, 45-4032, 45-4074, 45-4120, 45-4142, 45-480, 45-481, 45-482, 45-483, 45-484, 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-497, 45-505, 45-506, 45-533, 45-7565

RE: Transfer No. 82201

Water Right No(s): 47-4107A

RE: Transfer No. 82247

Water Right No(s): 47-7673

RE: Transfer No. 82289

Water Right No(s): 43-13005, 43-2540B

RE: Transfer No. 82302

Water Right No(s): 43-13031, 43-13041, 43-13691, 43-13693, 43-323B, 43-7048

RE: Notice of Moratorium Extension, Twin Falls Groundwater Management Area

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before May 21, 2018. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81943**

DOUBLE EAGLE PROPERTIES LLLP, 3173 N 4900 E, MURTAUGH, ID 83344-5359; has filed Application No. 81943 for changes to the following water rights within CASSIA, TWIN FALLS County(s): Right No(s). 45-10107, 45-13611, 45-13661, 45-14464, 45-2075, 45-2176, 45-2220, 45-2236, 45-2270, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-2408, 45-4032, 45-4074, 45-4120, 45-4142, 45-480, 45-481, 45-482, 45-483, 45-484, 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-497, 45-505, 45-506, 45-533, 45-7565. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to create a 2277 acre permissible place of use (PPU) for 15 ground water rights, 17 Dry Creek water rights, one waste water right, one Unnamed Stream water right, and one Cold Springs Creek water right on a farm approximately 2.4 to 6.0 miles south and 1.4 miles west to 1.0 miles east of the City of Murtaugh. The application also proposes to add 10 existing wells plus 3 new wells to be drilled as authorized points of diversion for all of the ground water rights. Four ground water rights will retain an additional currently authorized point of diversion. Two of the proposed new wells to be drilled are within the proposed PPU and one new well to be drilled will be on neighboring land adjacent to the proposed PPU. In addition, the application proposes to add three existing Dry Creek points of diversion as authorized points of diversion for all 17 Dry Creek water rights. The application also proposes to add a new point of diversion located approximately 6.6 miles south and 0.3 miles west of the City of Murtaugh as an additional authorized point of diversion for the Cold Springs Creek water right. All water rights allow for the combined total diversion of 44.837 cfs to be used within the proposed 2277 acre PPU.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82201**

ISE 555 BROADWAY LLC, PO BOX 267, GALENA, MD 21635; has filed Application No. 82201 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-4107A. The purpose of the transfer is to change a portion of the above rights as follows: Applicant proposes changing the point of diversion for 1.2 cfs of groundwater for irrigation from a well located approximately 6.2 miles south and 1.5 miles east of the city center of Hansen to a well to be drilled located approximately 5.9 miles south and 1.4 miles east of the city center of Hansen.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82247**

IDAHO AGRI INVESTMENTS LLC, PO BOX 418, CHESTERTOWN, MD 21620; has filed Application No. 82247 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-7673. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes adding points of diversion to an 8.02 cfs ground water right used to irrigate 760 acres within a 1505 acre permissible place of use. The transfer proposes adding two additional points of diversion, an existing well and one new well to be drilled. Points of diversion are located approximately 8.3 miles south and 3.4 miles east of the intersection of Center St and Main St in Kimberly.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82289**

IDA GOLD FARMS LLC, 246 E 300 S, BURLEY, ID 83318; has filed Application No. 82289 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13005, 43-2540B. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to add a new point of diversion for two stockwater and commercial ground water rights associated with a CAFO facility. The two ground water rights allow for the diversion of up to 0.47 cfs. The CAFO is located approximately 13.5 to 14.2 miles east and 3.0 to 3.5 miles south of the intersection of Interstate Highways 84 and 86 east of Burley. The proposed new well to be drilled is located within the CAFO facility.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82302**

DAWN HIGLEY and HEATH HIGLEY, 1971 S 2350 E, MALTA, ID 83342; has filed Application No. 82302 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13031, 43-13041, 43-13691, 43-13693, 43-323B, 43-7048. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to modify the place of use (POU) for two ground water and three surface water irrigation rights (6.44 cfs total) which currently irrigate 149.0 acres located approximately 1.3 to 2.0 miles south and 0.3 mile west to 0.5 mile east of Malta. The new place of use will irrigate 149.0 acres in the same general area. The transfer also proposes to change the point of diversion (POD) and POU of a 0.19 cfs (19.0 acre) portion of Cassia Creek right 43-323B. The POU of the split portion of 43-323B will be the same as the modified POU noted above and the POD of the split right will be changed to that of the existing Cassia Creek rights in the transfer, which is located approximately 1.9 miles south and 0.7 mile west of Malta, or approximately 0.25 mile downstream of its present location.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx . Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **May 21, 2018**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on May 3rd & 10th, 2018

MEMORANDUM

Date: April 17, 2018
To: 82201 File (ISE 555 Broadway, LLC)
From: C Barnes
Re: Transfer Summary

Applicant proposes changing the point of diversion for 1.2 cfs of groundwater for irrigation from a well located approximately 6.2 miles south and 1.5 miles east of the city center of Hansen to a well to be drilled located approximately 5.9 miles south and 1.4 miles east of the city center of Hansen. Applicant made it clear that his intention is to have the existing well properly decommissioned once the new well is drilled and put into use after transfer is approved. Transfer was returned on 3/22/2018 because it needed an authorized signature by the only signatory on file from the IDSOS website (Denise Ford, Manager). The application was returned with the authorized signature on 4/11/2018.

FEE MEMORANDUM

Date: April 17, 2018
To: ISE 555 Broadway, LLC
From: C Barnes
Re: Transfer Fees Paid

The total amount of water being transferred is 1.2 CFS and 224.0 AF. Where 224.0 AF is not a diversion to storage, the fee for 1.2 CFS is \$580.00 which is the fee that was paid by the applicant on February 26, 2018. The correct fee has been received.

Barnes, Clinton

From: Gary Funderburg <tskenterprise@cableone.net>
Sent: Tuesday, April 17, 2018 2:10 PM
To: Barnes, Clinton
Subject: RE: ISE 555 Broadway LLC Transfer

MR. Barnes, Yes you may the nessecary items on the transfer. I have review the application and yes we are replacing an existing well with a new well to be drilled. Sorry for the confusion.
Mr. Funderburg

-----Original Message-----

From: Barnes, Clinton [mailto:Clinton.Barnes@idwr.idaho.gov]
Sent: Tuesday, April 17, 2018 10:52 AM
To: Gary Funderburg <tskenterprise@cableone.net>
Subject: RE: ISE 555 Broadway LLC Transfer

Gary,

Could you please address the following now that we have an authorized signature on the transfer application?

It is my understanding, per your attached explanatory letter and map, that the applicant is seeking to decommission a well found in the NWSENE of 11S 19 E S 30 and drill a new well (not an existing well) in the NENE of 11S 19 E S 30. If this is the case, then, with your go-ahead, I would like to remove the checkmark in the 'add diversion point(s)' box (since the number of PODs will be the same before and after the transfer is completed) and I would like to change the words "existing well" to "new well" or "well to be drilled" or we may also opt to leave the box blank.

Please let me know.
Thanks,

Clinton Barnes

-----Original Message-----

From: Gary Funderburg [mailto:tskenterprise@cableone.net]
Sent: Friday, March 30, 2018 10:59 AM
To: Barnes, Clinton <Clinton.Barnes@idwr.idaho.gov>
Cc: 'Gary Funderburg' <tskenterprise@cableone.net>
Subject: RE: ISE 555 Broadway LLC Transfer

Clinton Barnes,

Did you keep the original transfer You have for ISE 555 BROADWAY LLC or is this the one you sent to me? I'm preparing to send the signature page to you as requested.
Mr.Funderburg

-----Original Message-----

From: Barnes, Clinton [mailto:Clinton.Barnes@idwr.idaho.gov]
Sent: Thursday, March 22, 2018 7:59 AM
To: tskenterprise@cableone.net
Subject: FW: ISE 555 Broadway LLC Transfer

Mr. Funderburg,

Please see below. This is my second attempt at trying to reach you via email concerning the ISE 555 Broadway LLC Transfer.

Thanks,

Clinton

-----Original Message-----

From: Barnes, Clinton

Sent: Thursday, March 08, 2018 11:38 AM

To: 'tskenterprise@cableone.net' <tskenterprise@cableone.net>

Subject: ISE 555 Broadway LLC Transfer

Mr. Gary L. Funderburg:

IDWR has received your transfer for ISE 555 Broadway LLC and I have been tasked with its processing.

It is my understanding, per your attached explanatory letter and map, that the applicant is seeking to decommission a well found in the NWSENE of 11S

19 E S 30 and drill a new well (not an existing well) in the NENE of 11S 19 E S 30. If this is the case, then, with your go-ahead, I would like to remove the checkmark in the 'add diversion point(s)' box (since the number of PODs will be the same before and after the transfer is completed) and I would like to change the words "existing well" to "new well" or "well to be drilled" or we may also opt to leave the box blank. (See attached image).

You may send me a new front page if you so choose, or I will edit it per our email conversation.

The remainder of the application appears to be workable. Please get back with me as soon as you are able so that I may proceed with the process.

Thank you,

Clinton Barnes

Idaho Department of Water Resources

Sr. Water Resource Agent - Well Drilling Coordinator

Southern Regional Office



255 Blue Lakes Blvd N
PMB 617
Twin Falls, ID 83301
Cell: 208-320-0897

RECEIVED
APR 11 2018
DEPT OF WATER RESOURCES
SOUTHERN REGION

April 7, 2018

Gentlemen:

Please find enclosed the corrected application for a transfers to add a point of diversion as requested by Idaho Agri. Investments, LLC/Farming and ISE 555 BROADWAY LLC and the correct signature whom is registered with the State of Idaho.

If you need further assistance, fill free to contact me.

Once again, thank you for your support.

Sincerely,

Mr. Gary L. Funderburg
TSKENTERPRISES LLC