

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
FEB 01 2018
Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) ABN LLC Phone 208-785-6100
Mailing address 86 North 550 West Blackfoot, ID 83221 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**.

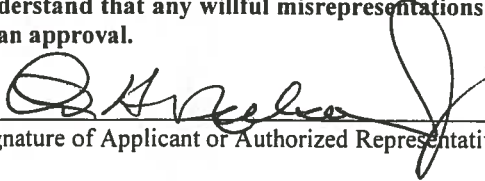
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Arthur H. Nielson Jr. Phone 208-317-5776
Mailing address 1655 E Center Pocatello, ID 83201 Email _____

- ☒ 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

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use
 ☐ Add diversion point(s)
☐ Change period of use
 ☒ Change place of use
☐ Other _____
- 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**.
 Diesel exhaust fluid production

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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.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☐ ☒	29-13959	0.04 cfs, 2 AF	Industrial	01/01 to 12/31	Ground Water
☐ ☒	35-14042	0.08 cfs, 6 AF	Industrial	01/01 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.12 cfs and/or 8 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.12 cubic feet per second and/or 8 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 #
Yes		NW	NE		31	02S	35E	Bingham	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	
02S	35E	31		x															
Total Acres (for irrigation use)																			

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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:

Drilling a new well and installing any required measuring devices.

- b. Who owns the property at the point(s) of diversion? ABN LLC

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: _____

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:

- 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:

35-8907 for commercial 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:

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Proof Report

2/28/2018

Water Right 29-13959

Owner Type **Name and Address**
Current Owner USA FERTILIZER INC
86 N 550 W
BLACKFOOT, ID 83221
(208) 785-6100

Priority Date: 3/24/1982

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01	12/31	0.060 CFS	3.0 AF
	<u>Total Diversion</u>		0.060 CFS	3.0 AF

Source and Point(s) of Diversion

GROUND WATER NESE Sec. 21, Twp 07S, Rge 31E, POWER County

Place Of Use

INDUSTRIAL within POWER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	31E	21													X				

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.

Comments:

1. bjordan 8/23/2010 POD
Updated Shape
2. bjordan 8/23/2010 POU
Updated Shape
3. scox 8/24/2010 Transferred Right
This is now an approved transfer, transfer number = 76703
4. hbohac 2/26/2014 POD
Updated Shape

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Proof Report

2/28/2018

Dates and Other Information

Decreed Date: 3/22/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 120
Mitigation Plan: False

Combined Use Limits

N/A

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A

2/28/2018

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Proof Report

2/28/2018

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.

9. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

Comments:

- | | | |
|--|-----------|----------------------|
| 1. bjordan
Updated Shape | 7/28/2010 | POD |
| 2. bjordan
Updated Shape | 7/28/2010 | POU |
| 3. scox
This is now an approved transfer, transfer number = 76703 | 8/24/2010 | Transferred Right |
| 4. Renumber
This has been renumbered from 29-13960 | 8/24/2010 | Renumber WR 35-14042 |
| 5. bjordan
Updated Shape | 8/24/2010 | POD |
| 6. bjordan
Updated Shape | 8/24/2010 | POU |
| 7. hbohac
Updated Shape | 3/4/2014 | POD |
| 8. hbohac
Updated Shape | 8/21/2014 | POD |

Dates and Other Information

Decreed Date: 3/22/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 120
Mitigation Plan: False

Combined Use Limits

N/A

Verification Log

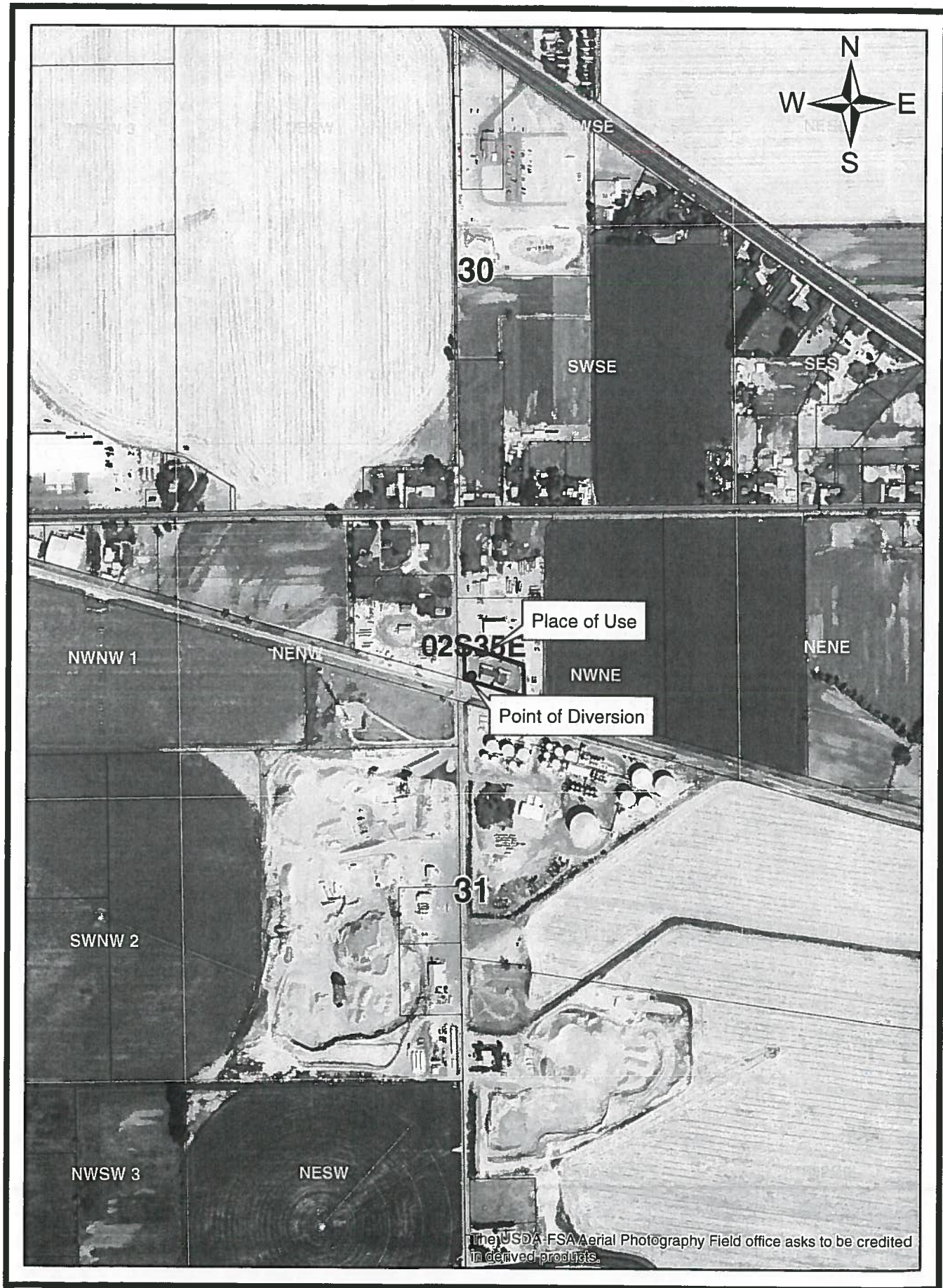
SubCase:

N/A

Water Supply Bank:

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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Notice of Change in Water Right Ownership Department of Water Resources
Eastern Region

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
29-13959	Yes ☒	Yes ☐		Yes ☐	Yes ☐
35-14042	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: USA Fertilizer Inc
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): ABN LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 86 North 550 West Blackfoot ID 83221
Mailing address City State ZIP
- 208-785-6100 _____
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
☒ 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.
5. Date you acquired the water rights and/or claims listed above: _____.
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
- ☐ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
 - ☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
 - ☐ Filing fee (see instructions for further explanation):
 - ☐ \$25 per undivided water right.
 - ☐ \$100 per split water right.
 - ☐ No fee is required for pending adjudication claims.
 - ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
 - ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: [Signature] Owner 1-29-18
Signature of new owner/claimant Title, if applicable Date
- Signature: _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by [Signature] Date 2-1-2018 Receipt No. E043698 Receipt Amt. \$200.
 Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
 Name on W-9 _____ Approved by _____ Processed by _____ Date _____

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QUITCLAIM DEED

FOR VALUE RECEIVED, USA FERTILIZER, INC, Grantor, does hereby convey, release, remise and forever quitclaim unto ABN LLC DOING BUSINESS AS USA DEF, whose address is 85 N 550 W BLACKFOOT, ID 83221, the following described premises, to-wit:

29-13959 0.04CFS, 2AF AND 35-14042 0.08CFS, GAF FOR "INDUSTRIAL USE"
FOR PERIODS: 01/01 TO 12/31, GROUND WATER. TOTAL RIGHTS

OF 0.12 CFS AND/OR 9 ACRE FEET PER YEAR. THIS TRANSFER IS
GIFTED FOR NO MONITARY CONSIDERATION

_____, BINGHAM county.

Together with the appurtenances.

This deed is intended to convey to the Grantee all right, title, and interest of the Grantor in and to said property, now owned or hereafter acquired.

Date JANUARY 30, 2018.


Signature, Grantor

STATE OF IDAHO)
County of BINGHAM) ss.

On this 30th day of JANUARY, 2018 before me, the undersigned, a Notary Public in and for said state, personally appeared ARTHUR H. NIELSON JR, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that s/he executed the same.


NOTARY PUBLIC for Idaho
Residing at: BLACKFOOT
My Commission Expires: 10-17-20



QUITCLAIM DEED
CAO GL 02 Revised 10/10/2003

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