

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81898**

This is to certify that: **FRANK TIEGS LLC**
PO BOX 3350
PASCO, WA 99302

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
2-2280	WR/DECREED	3/2/1964	0.800 cfs	180.0 af	40.0	40.0	SNAKE RIVER
2-2368	WR/DECREED	4/8/1965	9.860 cfs	2218.5 af	493.0	580.0	SNAKE RIVER
2-2422	WR/DECREED	5/12/1966	1.740 cfs	391.5 af	87.0	580.0	SNAKE RIVER
63-31977	WR/DECREED	3/29/1967	3.440 cfs	720.0 af	160.0	780.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
2-2280	NO	NO	YES	NO	NO	NO
2-2368	NO	NO	YES	NO	NO	NO
2-2422	NO	NO	YES	NO	NO	NO
63-31977	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
2-2280	2-2280	0.800 cfs	180.0 af	40.0	796.0	N/A	N/A	N/A	N/A	N/A
2-2368	2-2368	9.860 cfs	2218.5 af	493.0	796.0	N/A	N/A	N/A	N/A	N/A
2-2422	2-2422	1.740 cfs	391.5 af	87.0	796.0	N/A	N/A	N/A	N/A	N/A
63-31977	63-31977	3.440 cfs	720.0 af	160.0	796.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		15.840 cfs	3510.0 af	780.0	796.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 24th day of October, 2017.



Chief, Water Allocation Bureau

SUPPORT DATA

Transfer No. 81898

IN FILE # 2-2280

WATER RIGHT NO. 2-2280**As Modified by Transfer No. 81898**

In accordance with the approval of Transfer No. 81898, Water Right No. 2-2280 is now described as follows:

Right Holder: FRANK TIEGS LLC
PO BOX 3350
PASCO, WA 99302

Priority Date: 3/2/1964

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 11/15

Diversion Rate

0.800 cfs

0.800 cfs

Diversion Volume

180.0 af

180.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

L7 (SWNE)

Sec 36 Twp 01N Rge 03W CANYON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	02W	31					40.0	41.0	41.0	40.0									162.0
								L 1	L 2										
02N	03W	36	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	34.0	40.0	40.0	40.0	634.0

Right Acre Limit: 40.0

POU Total Acres: 796.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 40 acres within the authorized place of use in a single irrigation season.
2. Rights 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, all splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185, 2-10218, 2-10219, 2-10220, 2-10221, 2-10490, 2-10491, 2-10492, 2-10494, 2-10508 and 2-10509 when combined shall not exceed a total diversion rate of 74.30 cfs.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

WATER RIGHT NO. 2-2280
As Modified by Transfer No. 81898

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 6/15/2009.
6. Use of water under this right is subject to the provisions of an agreement and stipulation between the water right holder and protestants dated 8/3/1992.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-31977
As Modified by Transfer No. 81898

In accordance with the approval of Transfer No. 81898, Water Right No. 63-31977 is now described as follows:

Right Holder: FRANK TIEGS LLC
 PO BOX 3350
 PASCO, WA 99302

Priority Date: 3/29/1967

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	3.440 cfs	720.0 af
			3.440 cfs	720.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW Sec 31 Twp 02N Rge 02W CANYON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	02W	31					40.0	41.0	41.0	40.0									162.0
								L 1	L 2										
02N	03W	36	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	34.0	40.0	40.0	40.0	634.0

Right Acre Limit: 160.0

POU Total Acres: 796.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 160 acres within the authorized place of use in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 4/29/2009.

Transfer No. 81898

WATER RIGHT NO. 63-31977
As Modified by Transfer No. 81898

CONDITIONS OF APPROVAL

5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 2-2368**As Modified by Transfer No. 81898**

In accordance with the approval of Transfer No. 81898, Water Right No. 2-2368 is now described as follows:

Right Holder: FRANK TIEGS LLC
PO BOX 3350
PASCO, WA 99302

Priority Date: 4/8/1965

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE
IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
9.860 cfs
9.860 cfs

Diversion Volume
2218.5 af
2218.5 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

L7 (SWNE)

Sec 36 Twp 01N Rge 03W CANYON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	02W	31					40.0	41.0	41.0	40.0									162.0
								L 1	L 2										
02N	03W	36	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	34.0	40.0	40.0	40.0	634.0

Right Acre Limit: 493.0

POU Total Acres: 796.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 493 acres within the authorized place of use in a single irrigation season.
2. Rights 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, all splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185, 2-10218, 2-10219, 2-10220, 2-10221, 2-10490, 2-10491, 2-10492, 2-10494, 2-10508 and 2-10509 when combined shall not exceed a total diversion rate of 74.30 cfs.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 81898

WATER RIGHT NO. 2-2368
As Modified by Transfer No. 81898

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 6/15/2009.
6. Use of water under this right is subject to the provisions of an agreement and stipulation between the water right holder and protestants dated 8/3/1992.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 2-2422**As Modified by Transfer No. 81898**

In accordance with the approval of Transfer No. 81898, Water Right No. 2-2422 is now described as follows:

Right Holder: FRANK TIEGS LLC
PO BOX 3350
PASCO, WA 99302

Priority Date: 5/12/1966

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE
IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
1.740 cfs
1.740 cfs

Diversion Volume
391.5 af
391.5 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

L7 (SWNE)

Sec 36 Twp 01N Rge 03W CANYON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	02W	31					40.0	41.0	41.0	40.0									162.0
								L 1	L 2										
02N	03W	36	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	34.0	40.0	40.0	40.0	634.0

Right Acre Limit: 87.0

POU Total Acres: 796.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 87 acres within the authorized place of use in a single irrigation season.
2. Rights 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, all splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185, 2-10218, 2-10219, 2-10220, 2-10221, 2-10490, 2-10491, 2-10492, 2-10494, 2-10508 and 2-10509 when combined shall not exceed a total diversion rate of 74.30 cfs.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 81898

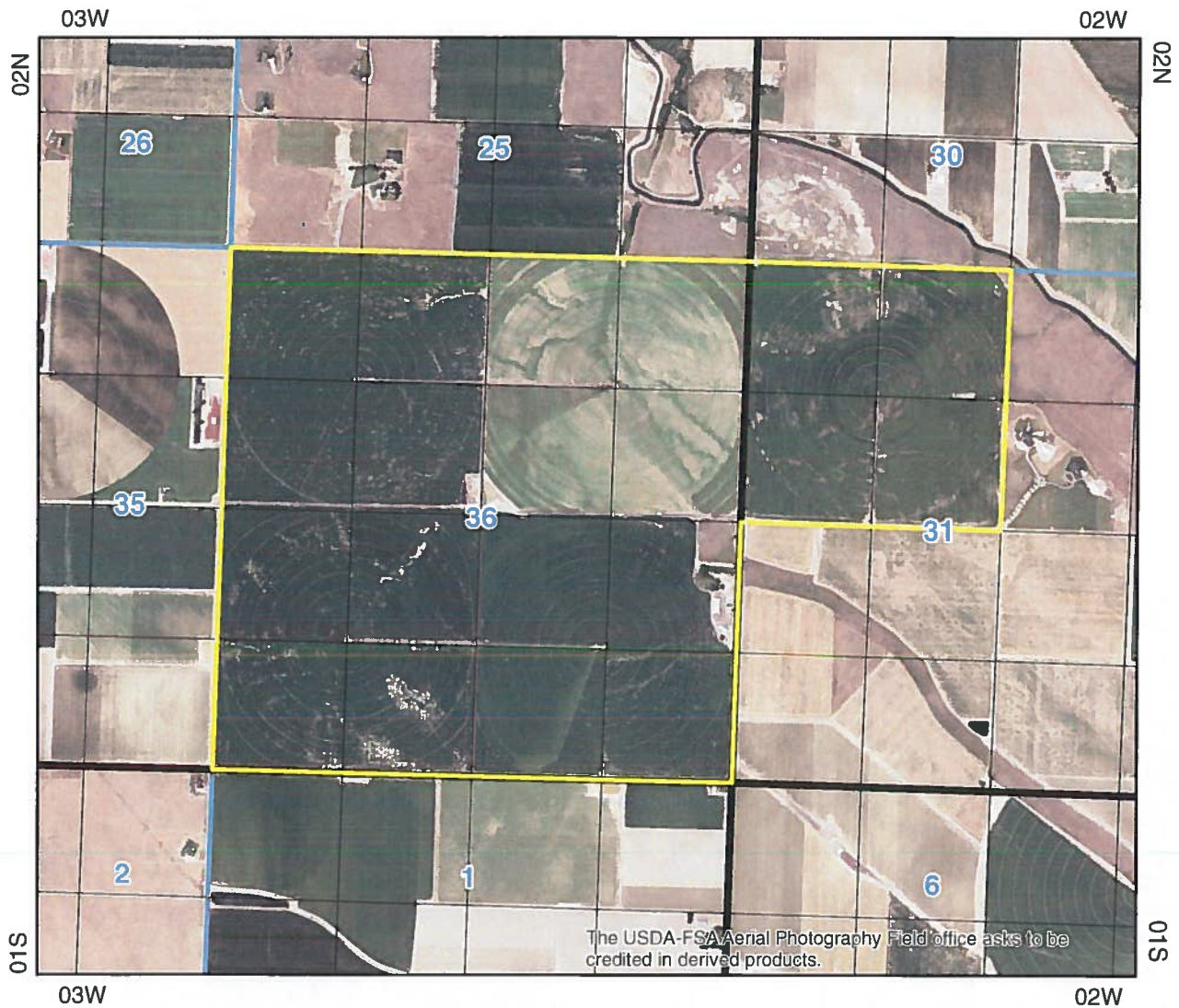
WATER RIGHT NO. 2-2422
As Modified by Transfer No. 81898

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 6/15/2009.
6. Use of water under this right is subject to the provisions of an agreement and stipulation between the water right holder and protestants dated 8/3/1992.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Attachment to Water Right Transfer 81898
2-2280, 2-2368, 2-2422 and 63-31977

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Permissible Place of Use
- Townships
- PLS Sections



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 81898

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 accepted 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.

Name of Applicant(s) Frank Tiegs 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.
- ☐ ☒ #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

RECEIVED
AUG 25 2017
WATER RESOURCES
WESTERN REGION
RECEIVED
SEP 11 2017
WATER RESOURCES
WESTERN REGION

Name of Applicant(s) Frank Tiegs LLCPhone 509-545-4545Mailing address PO Box 3350 Pasco, WA 99302

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 Greg SullivanPhone 208-736-8543Mailing address 2016 N Washington St Ste 4 Twin Falls, IdahoEmail greg.sullivan@brockwayeng.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.

Frank Tiegs
Signature of Applicant or Authorized Representative

Frank Tiegs, Managing Member
Print Name and Title if applicable

5-25-17
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 _____
- 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**.
Create a permissible place of use for irrigation water rights. Update irrigation place of use for water rights.

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 ☒ ☐	2-2280	0.8/180	Irrigation	3/15 to 11/15	Snake River & Columbia
☒ ☐	2-2368	9.86/2218.5	Irrigation	3/15 to 11/15	Snake River & Columbia
☒ ☐	2-2422	1.74/391.5	Irrigation	3/15 to 11/15	Snake River & Columbia
☒ ☐	63-31977	3.44/720	Irrigation	3/15 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 15.84 cfs and/or 3510.0 acre-feet.

2. Total amount of water proposed to be transferred or changed 15.84 cubic feet per second and/or 3510.0 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 #

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	
02N	2W	31					39.8	40.8	40.7	40									161.3
02N	3W	36	40.2	40.2	40.2	40.2	40.2	40.3	40.3	40.2	40.2	40.3	40.3	40.3	40.2	40.2	40.2	40.2	643.7
Total Acres (for irrigation use)																			805.0

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:

Existing diversion systems and delivery systems. There is an existing ground water well that supplies ground water. The Snake River water is diverted and delivered to the property by Hat Butte Canal.

- b. Who owns the property at the point(s) of diversion? Hat Butte Canal and Frank Tiegs 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: None

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:

No change to land that is currently 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:

None

- 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:

A lease application for 4.1 acres is being submitted to the Idaho Water Supply Bank.

Page _____ of _____

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

Current Water Right No.: 2-2280

Current Owner: FRANK TIEGS LLC

Priority Date: 3/2/1964

Origin: Water Right

Status: Active

Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

0.8 CFS

Annual Volume

180 AF

Total Diversion

0.8 CFS

180 AF

Location of Point(s) of Diversion

SNAKE RIVER

L7(SW1/4SW1/4NE1/4)

Sec. 36, Twp 01N, Rge 03W B.M.

CANYON County

Place of Use

IRRIGATION Within CANYON County

T02N R03W S36

SESW

40.00

Total Acres: 40

Page _____ of _____

Conditions of Approval:

1. F06 The following rights are diverted through point(s) of diversion described above: 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, all splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185, 2-10218, 2-10219, 2-10220, 2-10221, 2-10490, 2-10491, 2-10492, 2-10494, 2-10508 and 2-10509.
2. S47 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. Rights 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, all splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185, 2-10218, 2-10219, 2-10220, 2-10221, 2-10490, 2-10491, 2-10492, 2-10494, 2-10508 and 2-10509 when combined shall not exceed a total diversion rate of 74.30 cfs.
4. 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.
5. USE OF WATER UNDER THIS RIGHT IS SUBJECT TO THE PROVISIONS OF AN AGREEMENT AND STIPULATION BETWEEN THE WATER RIGHT HOLDER AND PROTESTANTS DATED 8/3/1992.

Decreed Date: 6/15/2009

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

Current Water Right No.: 2-2368

Current Owner: FRANK TIEGS LLC

Priority Date: 4/8/1965

Origin: Water Right

Status: Active

Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

9.86 CFS

Annual Volume

2218.5 AF

Total Diversion

9.86 CFS

2218.5 AF

Location of Point(s) of Diversion

SNAKE RIVER

L7(SW1/4SW1/4NE1/4)

Sec. 36, Twp 01N, Rge 03W B.M.

CANYON County

Place of Use

IRRIGATION Within CANYON County

T02N R03W S36	NENE	39.00	T02N R03W S36	NWNE	39.00
T02N R03W S36	SWNE	39.00	T02N R03W S36	SENE	39.00
T02N R03W S36	NENW	39.00	T02N R03W S36	NWNW	39.00
T02N R03W S36	SWNW	39.00	T02N R03W S36	SENW	38.00
T02N R03W S36	NESW	39.00	T02N R03W S36	NWSW	39.00
T02N R03W S36	SWSW	39.00	T02N R03W S36	NESE	35.00
T02N R03W S36	NWSE	39.00	T02N R03W S36	SWSE	39.00
T02N R03W S36	SESE	39.00			

Total Acres: 580

Conditions of Approval:

1. Rights 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, all splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185, 2-10218, 2-10219, 2-10220, 2-10221, 2-10490, 2-10491, 2-10492, 2-10494, 2-10508 and 2-10509 when combined shall not exceed a total diversion rate of 74.30 cfs.
2. S47 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. F06 The following rights are diverted through point(s) of diversion described above: 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, all splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185, 2-10218, 2-10219, 2-10220, 2-10221, 2-10490, 2-10491, 2-10492, 2-10494, 2-10508 and 2-10509.
4. X27 This right is limited to the irrigation of 493 acres within the place of use described above in a single irrigation season.
5. 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.
6. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
7. USE OF WATER UNDER THIS RIGHT IS SUBJECT TO THE PROVISIONS OF AN AGREEMENT AND STIPULATION BETWEEN THE WATER RIGHT HOLDER AND PROTESTANTS DATED 8/3/1992.
8. E54 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3330 AF. COMBINED RIGHT NOS.: 2-2422, 63-31977

Decreed Date: 6/15/2009

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

Current Water Right No.: 2-2422

Current Owner: FRANK TIEGS LLC
Priority Date: 5/12/1966
Origin: Water Right
Status: Active
Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Total Diversion

Diversion Rate

1.74 CFS

1.74 CFS

Annual Volume

391.5 AF

391.5 AF

Location of Point(s) of Diversion

SNAKE RIVER

CANYON County

L7(SW1/4SW1/4NE1/4)

Sec. 36, Twp 01N, Rge 03W B.M.

Place of Use

IRRIGATION Within CANYON County

T02N R03W S36	NENE	39.00	T02N R03W S36	NWNE	39.00
T02N R03W S36	SWNE	39.00	T02N R03W S36	SENE	39.00
T02N R03W S36	NENW	39.00	T02N R03W S36	NWNW	39.00
T02N R03W S36	SWNW	39.00	T02N R03W S36	SENW	38.00
T02N R03W S36	NESW	39.00	T02N R03W S36	NWSW	39.00
T02N R03W S36	SWSW	39.00	T02N R03W S36	NESE	35.00
T02N R03W S36	NWSE	39.00	T02N R03W S36	SWSE	39.00
T02N R03W S36	SESE	39.00			

Total Acres: 580

Page _____ of _____

Conditions of Approval:

1. E54 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3330 AF. COMBINED RIGHT NOS.: 2-2368, 63-31977
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. USE OF WATER UNDER THIS RIGHT IS SUBJECT TO THE PROVISIONS OF AN AGREEMENT AND STIPULATION BETWEEN THE WATER RIGHT HOLDER AND PROTESTANTS DATED 8/3/1992.
4. S47 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
5. X27 This right is limited to the irrigation of 87 acres within the place of use described above in a single irrigation season.
6. Rights 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, all splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185, 2-10218, 2-10219, 2-10220, 2-10221, 2-10490, 2-10491, 2-10492, 2-10494, 2-10508 and 2-10509 when combined shall not exceed a total diversion rate of 74.30 cfs.
7. F06 The following rights are diverted through point(s) of diversion described above: 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, all splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185, 2-10218, 2-10219, 2-10220, 2-10221, 2-10490, 2-10491, 2-10492, 2-10494, 2-10508 and 2-10509.
8. 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.

Decreed Date: 6/15/2009

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

Current Water Right No.: 63-31977

Current Owner: FRANK TIEGS LLC

Priority Date: 3/29/1967

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	03/15 to 11/15	3.44 CFS	720 AF
	<u>Total Diversion</u>	3.44 CFS	720 AF

Location of Point(s) of Diversion

GROUND WATER
CANYON County

NW1/4NW1/4NW1/4 Sec. 31, Twp 02N, Rge 02W B.M.

Place of Use

IRRIGATION Within CANYON County

T02N R02W S31		NENW	40.00	T02N R02W S31	Lot 1	NWNW	40.00
T02N R02W S31	Lot 2	SWNW	40.00	T02N R02W S31		SENW	40.00
T02N R03W S36		NENE	39.00	T02N R03W S36		NWNE	39.00
T02N R03W S36		SWNE	39.00	T02N R03W S36		SENE	39.00
T02N R03W S36		NENW	39.00	T02N R03W S36		NWNW	38.00
T02N R03W S36		SWNW	38.00	T02N R03W S36		SENW	38.00
T02N R03W S36		NESW	39.00	T02N R03W S36		NWSW	40.00
T02N R03W S36		SWSW	39.00	T02N R03W S36		SESW	40.00
T02N R03W S36		NESE	34.00	T02N R03W S36		NWSE	40.00
T02N R03W S36		SWSE	40.00	T02N R03W S36		SESE	39.00

Total Acres: 780

Page _____ of _____

Conditions of Approval:

1. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 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.
2. K06 This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.
3. P21 This right is a split from former right 63-3593.
4. 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.

Decreed Date: 4/29/2009



0 375 750 1,500 Feet

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 5/9/2017

HARVEST FARM 2
PPU and POU IRRIGATION TRANSFER
NAIP 2015 AERIAL

Legend

- 63-31977 POD
- Harvest Farm 2 Irr PPU
- Harvest Farm 2 Irr POU



No. W 122003		Due no later than Feb 28, 2017		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		Annual Report Form 1. Mailing Address: Correct in this box if needed. FRANK TIEGS, L.L.C. FRANK TIEGS PO BOX 3110 PASCO WA 99302		RICHARD F GOODSON 877 MAIN ST STE 1000 BOISE ID 83702	
				3. New Registered Agent Signature:*	
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.					
Office Held		Name	Street or PO Address	City	State
MEMBER		FRANK TIEGS	6610 W COURT ST STE B	PASCO	WA
MANAGER		FRANK TIEGS	6610 W COURT ST STE B	PASCO	WA
					Country
					USA
					Postal Code
					99301
					99301
5. Organized Under the Laws of: WA W 122003		6. Annual Report must be signed.* Signature: Tim Tippet Name (type or print): Tim Tippet Date: 12/23/2016 Title: Authorized Agent			
Processed 12/23/2016		* Electronically provided signatures are accepted as original signatures.			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

**APPLICATION FOR TRANSFER OF WATER RIGHT
ATTACHMENT WSB:
TRANSFERRING WATER RIGHTS LEASED TO THE WATER SUPPLY BANK**

Approval of a transfer application will not impact the terms of a Water Supply Bank Lease Contract. Any transferred water right or portion of a water right that is leased to the Water Supply Bank (Bank) shall remain unused while the lease is active.

If the transfer proposes to relocate the place of use of an irrigation water right, and the relocated acres include land currently idled due to a Bank lease contract, the applicant is required to identify the areas that will be idled at the new place of use for the duration of the lease contract. The acres to be idled should be clearly identified on the map created for Attachment 7B of the transfer application. The applicant should confirm the map is attached when completing the table below. If the leased portion of the place of use is not proposed to be relocated, a map is not required.

A Bank lease contract shall remain in effect until it expires, a new lease proposal is processed to replace it, or the water right is released from the Bank through written confirmation issued by the Water Resource Board. If the proposed transfer is approved, the water right owner will be provided sufficient time to allow the lease contract to expire before beneficial use of water at the new place of use will be expected. Meanwhile, water rights leased to the Bank are protected from forfeiture for the duration of the lease contract.

Water right owners who would like to adjust the terms of their lease contracts can either submit a new lease proposal on an [Application to Lease a Water Right to the Water Supply Bank](#) form, or they can request early termination of their lease contracts by completing a [Request to Release a Water Right from the Water Supply Bank](#) form. If a water right is leased to the Bank, and it is currently being rented from the Bank, the lease cannot be reduced or terminated until the rental agreement concludes. A request to release a water right or to submit a new lease application should be sent to the Department's state office. To find out if there are any rentals associated with a leased water right, please call a Bank representative at the Department at 208-287-4800.

In the table below, please provide the requested information for any water right that is both proposed for transfer and leased to the Bank. The information needed to complete this table can be found in your Bank lease contract. A copy of your lease contract can be obtained using the 'Search Water Rights' option on the Department's internet page at www.idwr.idaho.gov or by contacting any Department office.

Water Right Number	Lease Contract Expiration Date	Water Right Quantities Leased to the Bank			Map Attachment 7B Clearly Identifies Idled Place of Use at New Location
		Rate (cfs)	Volume (AF)	Acres	
					Attached? ☐ or No Change ☐
2-2368	12/31/2021	0.05	12.0	2.7	Attached? ☒ or No Change ☐
2-2422	12/31/2021	0.01	2.2	.5	Attached? ☒ or No Change ☐
63-31977	12/31/2021	0.02	4.2	0.9	Attached? ☒ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐

Is the ownership of the water right(s) leased to the Bank being changed? ☐ 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](#).

Additional Information:

Agency Use Only: Personnel processing transfer applications should forward a copy of this attachment, the original Lessor Designation form and/or IRS Form W-9, if received, to the State Office.



0 420 840 1,680 Feet

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 5/9/2017

HARVEST FARM
WATER BANK LEASE Acres 2017
NAIP 2015 AERIAL

Legend

- 63-31977 POD
- WSB Lease Acres



State of Idaho
Department of Water Resources

Water Right 2-2280

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.



0 1 2 4 Miles

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



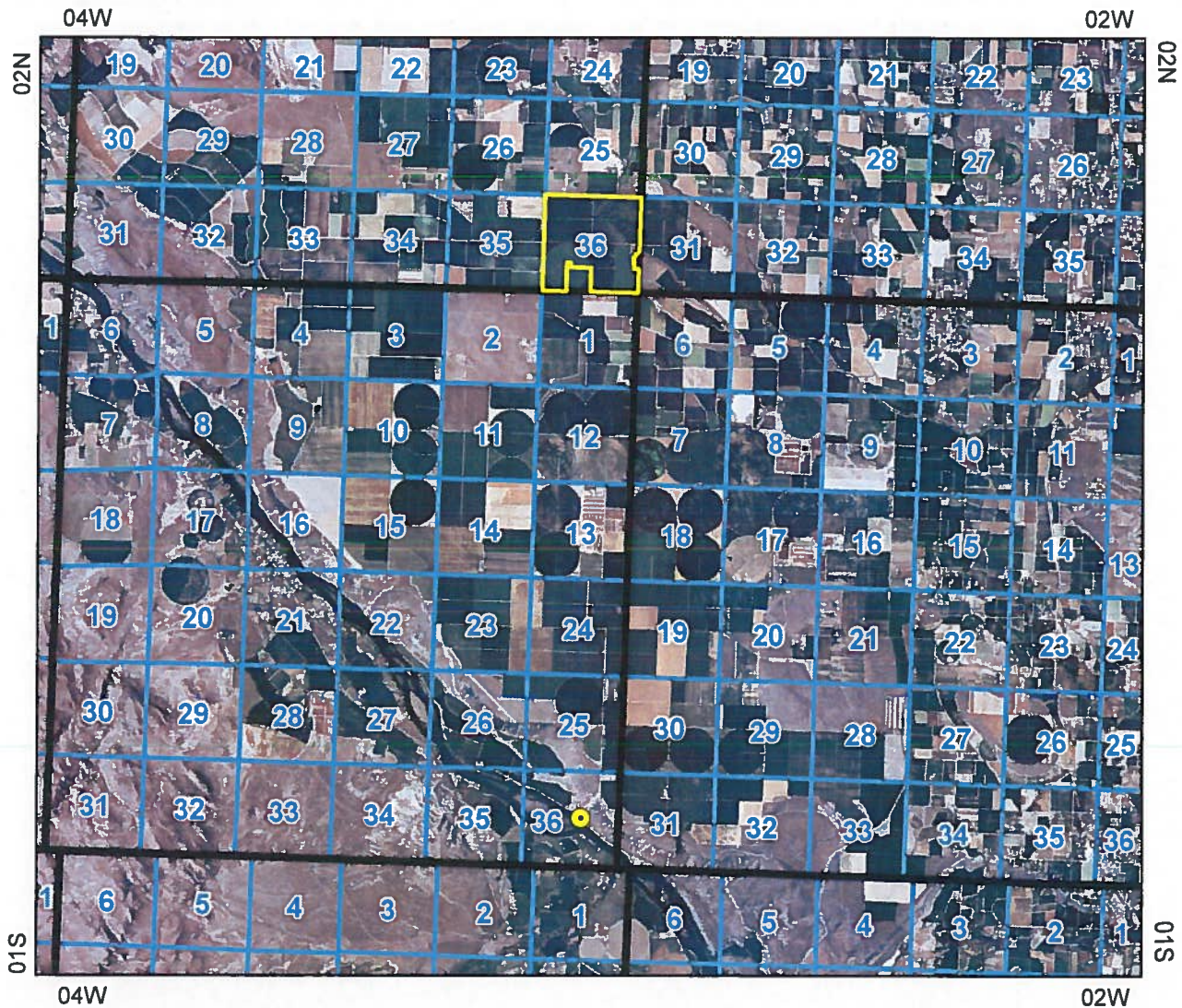
State of Idaho
Department of Water Resources

Water Right

2-2368

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.



0 1 2 4 Miles

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

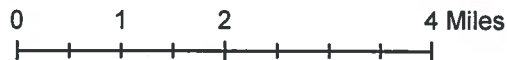


State of Idaho
Department of Water Resources

Water Right 2-2422

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

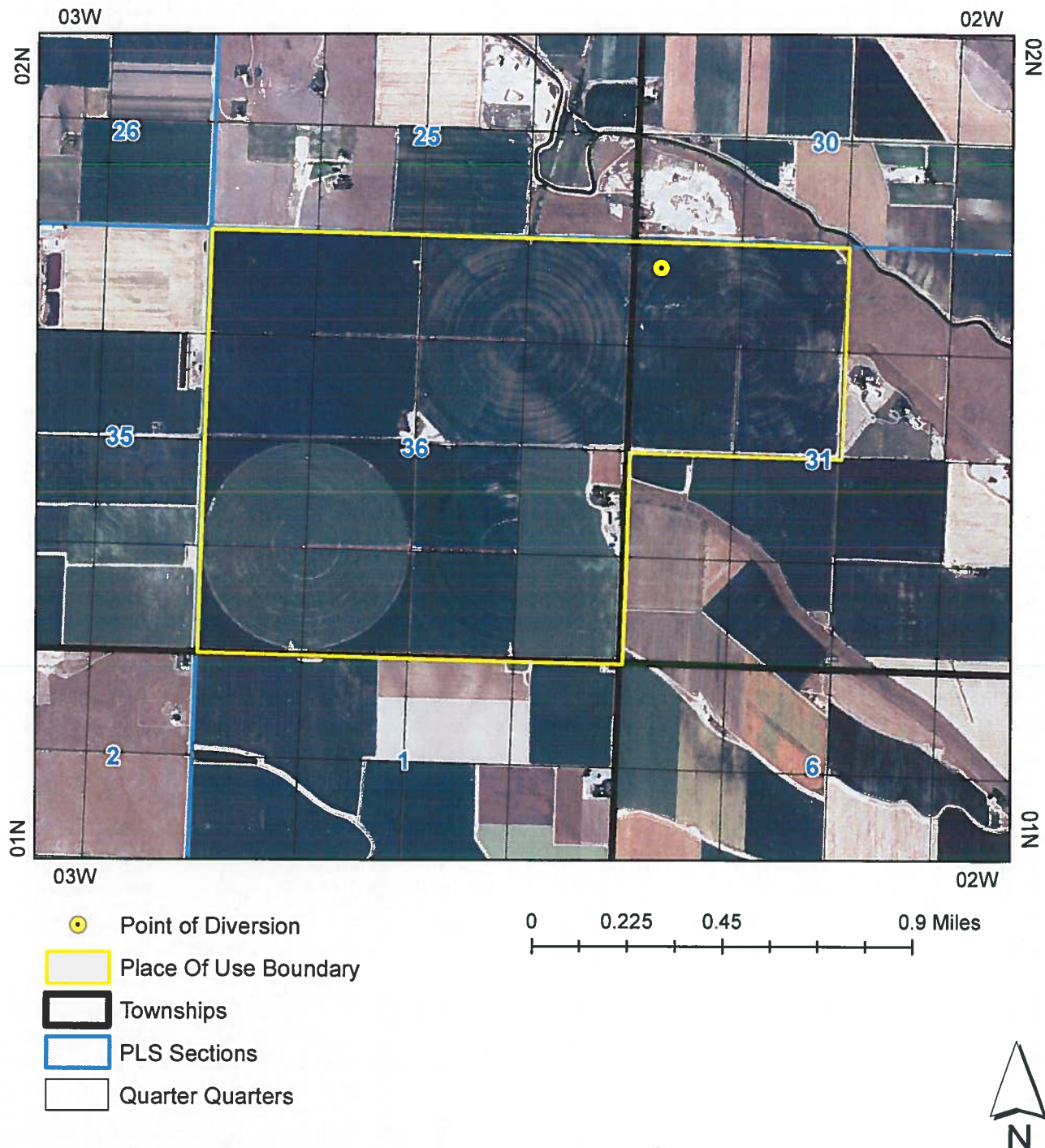


State of Idaho
Department of Water Resources

Water Right 63-31977

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.



HAT BUTTE MUTUAL CANAL COMPANY

August 16, 2017

Via U.S. Mail and Email (greg.sullivan@brockwayeng.com)

Greg Sullivan
Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, ID 83301
(208) 736-8543

Re: Hat Butte Mutual Canal Company consent to Applications for Transfer of Water Rights in the name of Frank Tiegs, L.L.C.

Dear Greg:

Thank you for your May 19, 2017, email by which you requested consent from Hat Butte Mutual Canal Company ("Hat Butte") to the proposed Application for Transfer of Water Right Nos. 2-2280, 2-2368, 2-2422, and 63-31977 and Application for Transfer of Water Right Nos. 2-68, 63-2754, 63-2867, 63-2975, 63-3104, 63-3492, 63-3490A, 63-4799, 63-7561 and 63-7793 (collectively, the "Transfer Applications"), in the name of Frank Tiegs, L.L.C. ("Tiegs"), copies of which were attached to your email. Also, thank you for your June 30, 2017 answers to clarifying questions asked by Hat Butte's attorney, and the amended pages to the Transfer Applications you provided on the same date.

The Transfer Applications as amended by you on June 30 (collectively, "Amended Transfer Applications") propose to create permissible places of use and to update the irrigation places of use for the referenced water rights; they do not propose any other changes to the water rights. As required by I.C. § 42-108, Hat Butte must consent to any proposed changes to the surface water rights included in the Amended Transfer Applications (*i.e.*, the rights with the "2" prefix) because those rights currently are diverted and delivered by Hat Butte through its facilities.

Hat Butte will consent to the Amended Transfer Applications only if Tiegs agrees to the terms and conditions set forth below. Please have Tiegs' execute this letter in the space provided below to acknowledge Tiegs' agreement to such terms and conditions, and return the signed letter to Hat Butte. With or without Tiegs' signature below, any use of this letter in support of the Amended Transfer Applications will be deemed to signify Tiegs' agreement to all terms and conditions contained herein.

Hat Butte's consent to the Amended Transfer Applications is conditioned upon Tiegs' agreement to defend, indemnify, and hold Hat Butte harmless for any claim, loss or liability arising out of or in any way connected with the Amended Transfer Applications, and for any costs related to the Amended Transfer Applications, including without limitation any costs

Mr. Greg Sullivan
August 16, 2017
Page 2

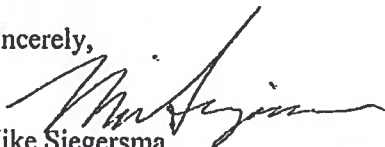
associated with reducing, measuring, or reporting diversions (or reductions in diversions) of water using Hat Butte's facilities.

Hat Butte's consent is limited to the Amended Transfer Applications attached to your May 19, 2017 email (as amended by you on June 30, 2017). Any amendments to the Amended Transfer Applications and any other applications (including without limitation Water Supply Bank applications and transfer applications) will require additional consent from Hat Butte.

If the Amended Transfer Applications are approved, Tiegs shall continue to hold all of its existing shares in Hat Butte and shall continue to pay all Hat Butte assessments without any reduction or discount for the amount transferred.

Again, Hat Butte's consent will be effective only if Tiegs agrees to the terms and conditions set forth above. To acknowledge the agreement, please have Tiegs' execute this letter in the space provided below and return it to Hat Butte.

Sincerely,

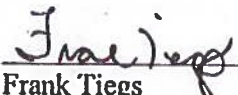


Mike Siegersma
President, Hat Butte Mutual Canal Company

cc: Michael P. Lawrence, Givens Pursley LLP

**ACKNOWLEDGEMENT OF ACCEPTANCE OF
TERMS AND CONDITIONS OF CONSENT**

Frank Tiegs, L.L.C. ("Tiegs") agrees to the above-described terms and conditions by which Hat Butte Mutual Canal Company ("Hat Butte") is willing to provide consent to the Amended Transfer Applications (defined above). Tiegs acknowledges Hat Butte's consent is subject to such terms and conditions.



Frank Tiegs
Manager, Frank Tiegs, L.L.C.

Application for Transfer or Exchange Fee Schedule

See [Idaho Code § 42-221.O](#)

The fee for an application for transfer is based on the storage volume (acre-feet per year or AFY) or on the diversion rate (cubic feet per second or CFS) being transferred, not necessarily on the amount of the entire right. For applications proposing a change in the diversion rate and storage volume, determine each fee separately and pay the greater of the two. See [Transfer Processing Memo No. 23](#).

(CFS = cubic feet per second; AF = acre-feet per year)

Flow Rate (CFS)	Storage Volume (AF)	Fee	Flow Rate (CFS)	Storage Volume (AF)	Fee
0.00 – 0.20	0.0 – 20.0	\$200	11.01 – 12.00	1,100.1 – 1,200.0	\$1,380
0.21 – 1.00	20.1 – 100.0	\$500	12.01 – 13.00	1,200.1 – 1,300.0	\$1,460
1.01 – 2.00	100.1 – 200.0	\$580	13.01 – 14.00	1,300.1 – 1,400.0	\$1,540
2.01 – 3.00	200.1 – 300.0	\$660	14.01 – 15.00	1,400.1 – 1,500.0	\$1,620
3.01 – 4.00	300.1 – 400.0	\$740	15.01 – 16.00	1,500.1 – 1,600.0	\$1,700
4.01 – 5.00	400.1 – 500.0	\$820	16.01 – 17.00	1,600.1 – 1,700.0	\$1,780
5.01 – 6.00	500.1 – 600.0	\$900	17.01 – 18.00	1,700.1 – 1,800.0	\$1,860
6.01 – 7.00	600.1 – 700.0	\$980	18.01 – 19.00	1,800.1 – 1,900.0	\$1,940
7.01 – 8.00	700.1 – 800.0	\$1,060	19.01 – 20.00	1,900.1 – 2,000.0	\$2,020
8.01 – 9.00	800.1 – 900.0	\$1,140	20.01 – 100.00	2,000.1 – 10,000.0	*
9.01 – 10.00	900.1 – 1,000.0	\$1,220	100.01 – 500.00	10,000.1 – 50,000.0	**
10.01 – 11.00	1,000.1 – 1,100.0	\$1,300	500.01 & over	50,000.1 & over	***

For an application including a change in nature of use of water under one (1) or more right(s):

Additional fee of \$250 per application.

For any application including a change in ownership of water right(s) as required per [Idaho Code § 42-248](#):

Additional fee of \$25.00 per undivided right requiring an ownership change and/or

Additional fee of \$100.00 per divided right requiring an ownership change.

- *** **\$2,020.00 plus \$40.00** for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 20.0 cfs or 2,000 acre-feet.
- **** **\$5,220.00 plus \$20.00** for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 100.0 cfs or 10,000 acre-feet.
- **** **\$13,220.00 plus \$4.00** for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 500.0 cfs or 50,000 acre-feet.

86818

COPY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

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AUG 25 2017

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFERWATER RESOURCES
WESTERN REGION

An application for transfer must be prepared in accordance with the minimum requirements listed below to be accepted 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.

Name of Applicant(s) Frank Tiegs LLCCheck 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.
- ☐ ☒ #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

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AUG 25 2017

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Frank Tiegs LLC Phone 509-545-4545

Mailing address PO Box 3350 Pasco, WA 99302 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 Greg Sullivan Phone 208-736-8543

Mailing address 2016 N Washington St Ste 4 Twin Falls, Idaho Email greg.sullivan@brockwayeng.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.

Frank Tiegs
Signature of Applicant or Authorized Representative

Frank Tiegs, Managing Member 5-25-17
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 ☐ Add diversion point(s) ☒ Change place of use

☐ Change nature of use ☐ Change period 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**.
Create a permissible place of use for irrigation water rights. Update irrigation place of use for water rights.

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 ☒ ☐	2-2280	0.8/180	Irrigation	3/15 to 11/15	Snake River & Columbia
☒ ☐	2-2368	9.86/2218.5	Irrigation	3/15 to 11/15	Snake River & Columbia
☒ ☐	2-2422	1.74/391.5	Irrigation	3/15 to 11/15	Snake River & Columbia
☒ ☐	63-31977	3.44/720	Irrigation	3/15 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 15.84 cfs and/or 3510.0 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.25 cubic feet per second and/or 55.8 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 #

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	
02N	2W	31					39.8	40.8	40.7	40									161.3
02N	3W	36	40.2	40.2	40.2	40.2	40.2	40.3	40.3	40.2	40.2	40.3	40.3	40.3	40.2	40.2	40.2	40.2	643.7
Total Acres (for irrigation use)																			805.0

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:

Existing diversion systems and delivery systems. There is an existing ground water well that supplies ground water. The Snake River water is diverted and delivered to the property by Hat Butte Canal.

- b. Who owns the property at the point(s) of diversion? Hat Butte Canal and Frank Tiegs 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: None

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:
No change to land that is currently 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:

None

- 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:

A lease application for 4.1 acres is being submitted to the Idaho Water Supply Bank.

Page _____ of _____

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

Current Water Right No.: 2-2280

Current Owner: FRANK TIEGS LLC

Priority Date: 3/2/1964

Origin: Water Right

Status: Active

Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

0.8 CFS

Annual Volume

180 AF

Total Diversion

0.8 CFS

180 AF

Location of Point(s) of Diversion

SNAKE RIVER

L7(SW1/4SW1/4NE1/4)

Sec. 36, Twp 01N, Rge 03W B.M.

CANYON County

Place of Use

IRRIGATION Within CANYON County

T02N R03W S36

SESW

40.00

Total Acres: 40

Conditions of Approval:

1. F06 The following rights are diverted through point(s) of diversion described above: 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, all splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185, 2-10218, 2-10219, 2-10220, 2-10221, 2-10490, 2-10491, 2-10492, 2-10494, 2-10508 and 2-10509.
2. S47 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. Rights 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, all splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185, 2-10218, 2-10219, 2-10220, 2-10221, 2-10490, 2-10491, 2-10492, 2-10494, 2-10508 and 2-10509 when combined shall not exceed a total diversion rate of 74.30 cfs.
4. 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.
5. USE OF WATER UNDER THIS RIGHT IS SUBJECT TO THE PROVISIONS OF AN AGREEMENT AND STIPULATION BETWEEN THE WATER RIGHT HOLDER AND PROTESTANTS DATED 8/3/1992.

Decreed Date: 6/15/2009

Page _____ of _____

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

Current Water Right No.: 2-2368

Current Owner: FRANK TIEGS LLC

Priority Date: 4/8/1965

Origin: Water Right

Status: Active

Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

9.86 CFS

Annual Volume

2218.5 AF

Total Diversion

9.86 CFS

2218.5 AF

Location of Point(s) of Diversion

SNAKE RIVER

L7(SW1/4SW1/4NE1/4)

Sec. 36, Twp 01N, Rge 03W B.M.

CANYON County

Place of Use

IRRIGATION Within CANYON County

T02N R03W S36	NENE	39.00	T02N R03W S36	NWNE	39.00
T02N R03W S36	SWNE	39.00	T02N R03W S36	SENE	39.00
T02N R03W S36	NENW	39.00	T02N R03W S36	NWNW	39.00
T02N R03W S36	SWNW	39.00	T02N R03W S36	SENW	38.00
T02N R03W S36	NESW	39.00	T02N R03W S36	NWSW	39.00
T02N R03W S36	SWSW	39.00	T02N R03W S36	NESE	35.00
T02N R03W S36	NWSE	39.00	T02N R03W S36	SWSE	39.00
T02N R03W S36	SESE	39.00			

Total Acres: 580

Page _____ of _____

Conditions of Approval:

1. Rights 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, all splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185, 2-10218, 2-10219, 2-10220, 2-10221, 2-10490, 2-10491, 2-10492, 2-10494, 2-10508 and 2-10509 when combined shall not exceed a total diversion rate of 74.30 cfs.
2. S47 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. F06 The following rights are diverted through point(s) of diversion described above: 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, all splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185, 2-10218, 2-10219, 2-10220, 2-10221, 2-10490, 2-10491, 2-10492, 2-10494, 2-10508 and 2-10509.
4. X27 This right is limited to the irrigation of 493 acres within the place of use described above in a single irrigation season.
5. 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.
6. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
7. USE OF WATER UNDER THIS RIGHT IS SUBJECT TO THE PROVISIONS OF AN AGREEMENT AND STIPULATION BETWEEN THE WATER RIGHT HOLDER AND PROTESTANTS DATED 8/3/1992.
8. E54 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3330 AF. COMBINED RIGHT NOS.: 2-2422, 63-31977

Decreed Date: 6/15/2009

Page _____ of _____

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

Current Water Right No.: 2-2422

Current Owner: FRANK TIEGS LLC
Priority Date: 5/12/1966
Origin: Water Right
Status: Active
Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Total Diversion

Diversion Rate

1.74 CFS

1.74 CFS

Annual Volume

391.5 AF

391.5 AF

Location of Point(s) of Diversion

SNAKE RIVER

CANYON County

L7(SW1/4SW1/4NE1/4)

Sec. 36, Twp 01N, Rge 03W B.M.

Place of Use

IRRIGATION Within CANYON County

T02N R03W S36	NENE	39.00	T02N R03W S36	NWNE	39.00
T02N R03W S36	SWNE	39.00	T02N R03W S36	SENE	39.00
T02N R03W S36	NENW	39.00	T02N R03W S36	NWNW	39.00
T02N R03W S36	SWNW	39.00	T02N R03W S36	SENW	38.00
T02N R03W S36	NESW	39.00	T02N R03W S36	NWSW	39.00
T02N R03W S36	SWSW	39.00	T02N R03W S36	NESE	35.00
T02N R03W S36	NWSE	39.00	T02N R03W S36	SWSE	39.00
T02N R03W S36	SESE	39.00			

Total Acres: 580

Page _____ of _____

Conditions of Approval:

1. E54 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3330 AF. COMBINED RIGHT NOS.: 2-2368, 63-31977
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. USE OF WATER UNDER THIS RIGHT IS SUBJECT TO THE PROVISIONS OF AN AGREEMENT AND STIPULATION BETWEEN THE WATER RIGHT HOLDER AND PROTESTANTS DATED 8/3/1992.
4. S47 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
5. X27 This right is limited to the irrigation of 87 acres within the place of use described above in a single irrigation season.
6. Rights 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, all splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185, 2-10218, 2-10219, 2-10220, 2-10221, 2-10490, 2-10491, 2-10492, 2-10494, 2-10508 and 2-10509 when combined shall not exceed a total diversion rate of 74.30 cfs.
7. F06 The following rights are diverted through point(s) of diversion described above: 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, all splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185, 2-10218, 2-10219, 2-10220, 2-10221, 2-10490, 2-10491, 2-10492, 2-10494, 2-10508 and 2-10509.
8. 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.

Decreed Date: 6/15/2009

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

Current Water Right No.: 63-31977

Current Owner: FRANK TIEGS LLC

Priority Date: 3/29/1967

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	03/15 to 11/15	3.44 CFS	720 AF
	<u>Total Diversion</u>	3.44 CFS	720 AF

Location of Point(s) of Diversion

GROUND WATER
CANYON County NW1/4NW1/4NW1/4 Sec. 31, Twp 02N, Rge 02W B.M.

Place of Use

IRRIGATION Within CANYON County

T02N R02W S31	NENW	40.00	T02N R02W S31	Lot 1	NWNW	40.00
T02N R02W S31	Lot 2	SWNW	40.00	T02N R02W S31	SENW	40.00
T02N R03W S36	NENE	39.00	T02N R03W S36		NWNE	39.00
T02N R03W S36	SWNE	39.00	T02N R03W S36		SENE	39.00
T02N R03W S36	NENW	39.00	T02N R03W S36		NWNW	38.00
T02N R03W S36	SWNW	38.00	T02N R03W S36		SENW	38.00
T02N R03W S36	NESW	39.00	T02N R03W S36		NWSW	40.00
T02N R03W S36	SWSW	39.00	T02N R03W S36		SESW	40.00
T02N R03W S36	NESE	34.00	T02N R03W S36		NWSE	40.00
T02N R03W S36	SWSE	40.00	T02N R03W S36		SESE	39.00

Total Acres: 780

Page _____ of _____

Conditions of Approval:

1. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 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.
2. K06 This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.
3. P21 This right is a split from former right 63-3593.
4. 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.

Decreed Date: 4/29/2009

Page 6



BROCKWAY ENGINEERING, PLLC.
GWS - Date: 5/9/2017

HARVEST FARM 2
PPU and POU IRRIGATION TRANSFER
NAIP 2015 AERIAL

- Legend
- 63-31977 POD
 - Harvest Farm 2 Irr PPU
 - Harvest Farm 2 Irr POU



No. W 122003		Due no later than Feb 28, 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		FRANK TIEGS, L.L.C. FRANK TIEGS PO BOX 3110 PASCO WA 99302		RICHARD F GOODSON 877 MAIN ST STE 1000 BOISE ID 83702	
		1. Mailing Address: Correct in this box if needed.		3. New Registered Agent Signature:*	
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.					
Office Held MEMBER MANAGER		Name FRANK TIEGS FRANK TIEGS		Street or PO Address 6610 W COURT ST STE B 6610 W COURT ST STE B	
				City PASCO PASCO	
				State WA WA	
				Country USA USA	
				Postal Code 99301 99301	
5. Organized Under the Laws of: WA W 122003		6. Annual Report must be signed.* Signature: Tim Tippet Name (type or print): Tim Tippet Date: 12/23/2016 Title: Authorized Agent			
Processed 12/23/2016		* Electronically provided signatures are accepted as original signatures.			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

**APPLICATION FOR TRANSFER OF WATER RIGHT
ATTACHMENT WSB:
TRANSFERRING WATER RIGHTS LEASED TO THE WATER SUPPLY BANK**

Approval of a transfer application will not impact the terms of a Water Supply Bank Lease Contract. Any transferred water right or portion of a water right that is leased to the Water Supply Bank (Bank) shall remain unused while the lease is active.

If the transfer proposes to relocate the place of use of an irrigation water right, and the relocated acres include land currently idled due to a Bank lease contract, the applicant is required to identify the areas that will be idled at the new place of use for the duration of the lease contract. The acres to be idled should be clearly identified on the map created for Attachment 7B of the transfer application. The applicant should confirm the map is attached when completing the table below. If the leased portion of the place of use is not proposed to be relocated, a map is not required.

A Bank lease contract shall remain in effect until it expires, a new lease proposal is processed to replace it, or the water right is released from the Bank through written confirmation issued by the Water Resource Board. If the proposed transfer is approved, the water right owner will be provided sufficient time to allow the lease contract to expire before beneficial use of water at the new place of use will be expected. Meanwhile, water rights leased to the Bank are protected from forfeiture for the duration of the lease contract.

Water right owners who would like to adjust the terms of their lease contracts can either submit a new lease proposal on an [Application to Lease a Water Right to the Water Supply Bank](#) form, or they can request early termination of their lease contracts by completing a [Request to Release a Water Right from the Water Supply Bank](#) form. If a water right is leased to the Bank, and it is currently being rented from the Bank, the lease cannot be reduced or terminated until the rental agreement concludes. A request to release a water right or to submit a new lease application should be sent to the Department's state office. To find out if there are any rentals associated with a leased water right, please call a Bank representative at the Department at 208-287-4800.

In the table below, please provide the requested information for any water right that is both proposed for transfer and leased to the Bank. The information needed to complete this table can be found in your Bank lease contract. A copy of your lease contract can be obtained using the 'Search Water Rights' option on the Department's internet page at www.idwr.idaho.gov or by contacting any Department office.

Water Right Number	Lease Contract Expiration Date	Water Right Quantities Leased to the Bank			Map Attachment 7B Clearly Identifies Idled Place of Use at New Location
		Rate (cfs)	Volume (AF)	Acres	
					Attached? ☐ or No Change ☐
2-2368	12/31/2021	0.05	12.0	2.7	Attached? ☒ or No Change ☐
2-2422	12/31/2021	0.01	2.2	.5	Attached? ☒ or No Change ☐
63-31977	12/31/2021	0.02	4.2	0.9	Attached? ☒ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐

Is the ownership of the water right(s) leased to the Bank being changed? ☐ 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](#).

Additional Information:

Agency Use Only: Personnel processing transfer applications should forward a copy of this attachment, the original Lessor Designation form and/or IRS Form W-9, if received, to the State Office.



0 420 840 1,680 Feet

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 5/9/2017

HARVEST FARM
WATER BANK LEASE Acres 2017
NAIP 2015 AERIAL

Legend
● 63-31977 POD
■ WSB Lease Acres

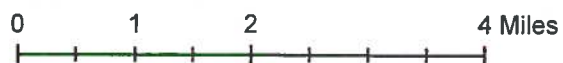


State of Idaho
Department of Water Resources

Water Right 2-2280

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

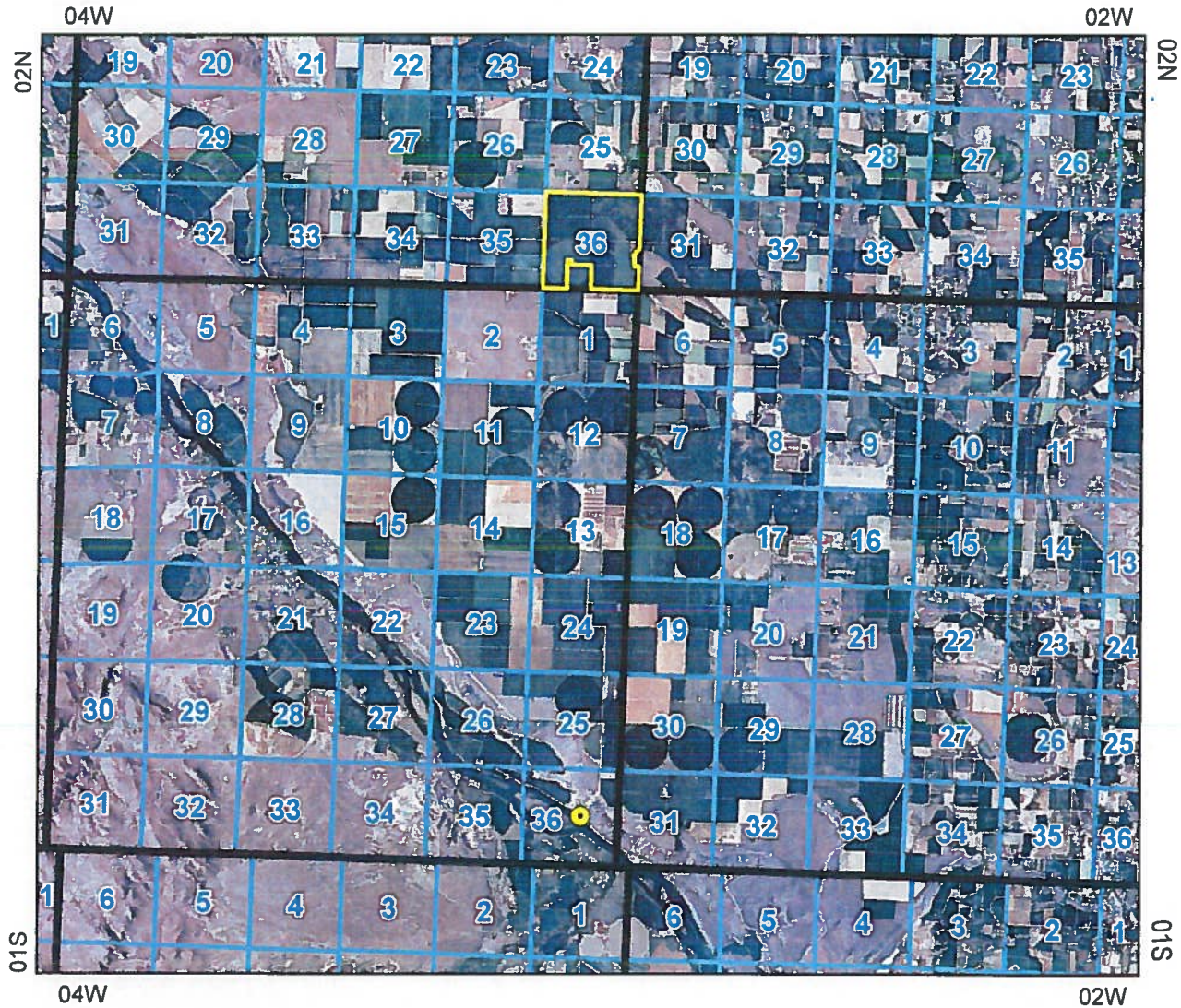


State of Idaho
Department of Water Resources

Water Right 2-2368

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.



0 1 2 4 Miles

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

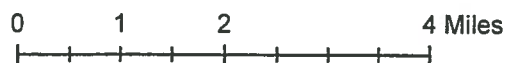
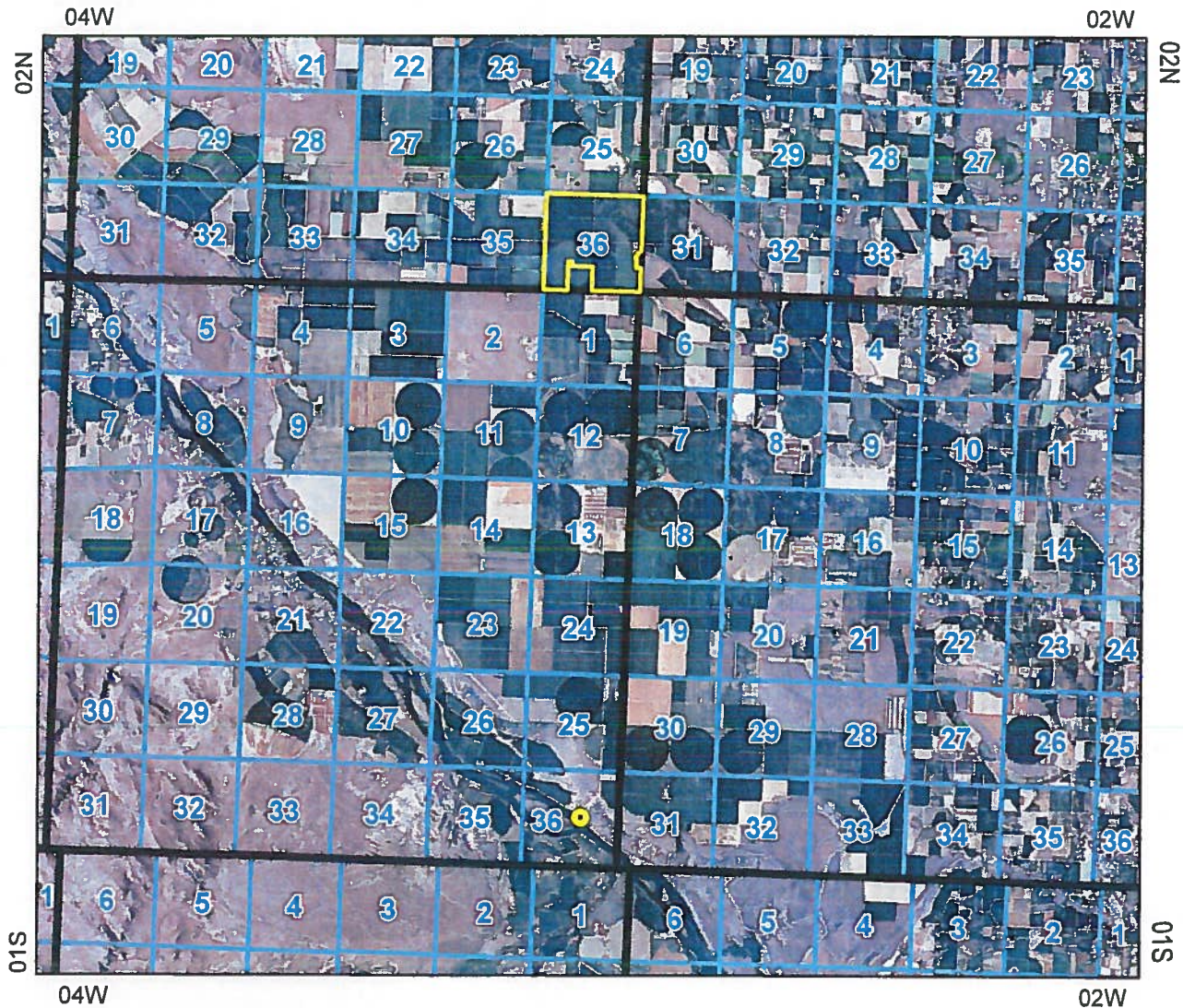


State of Idaho
Department of Water Resources

Water Right 2-2422

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

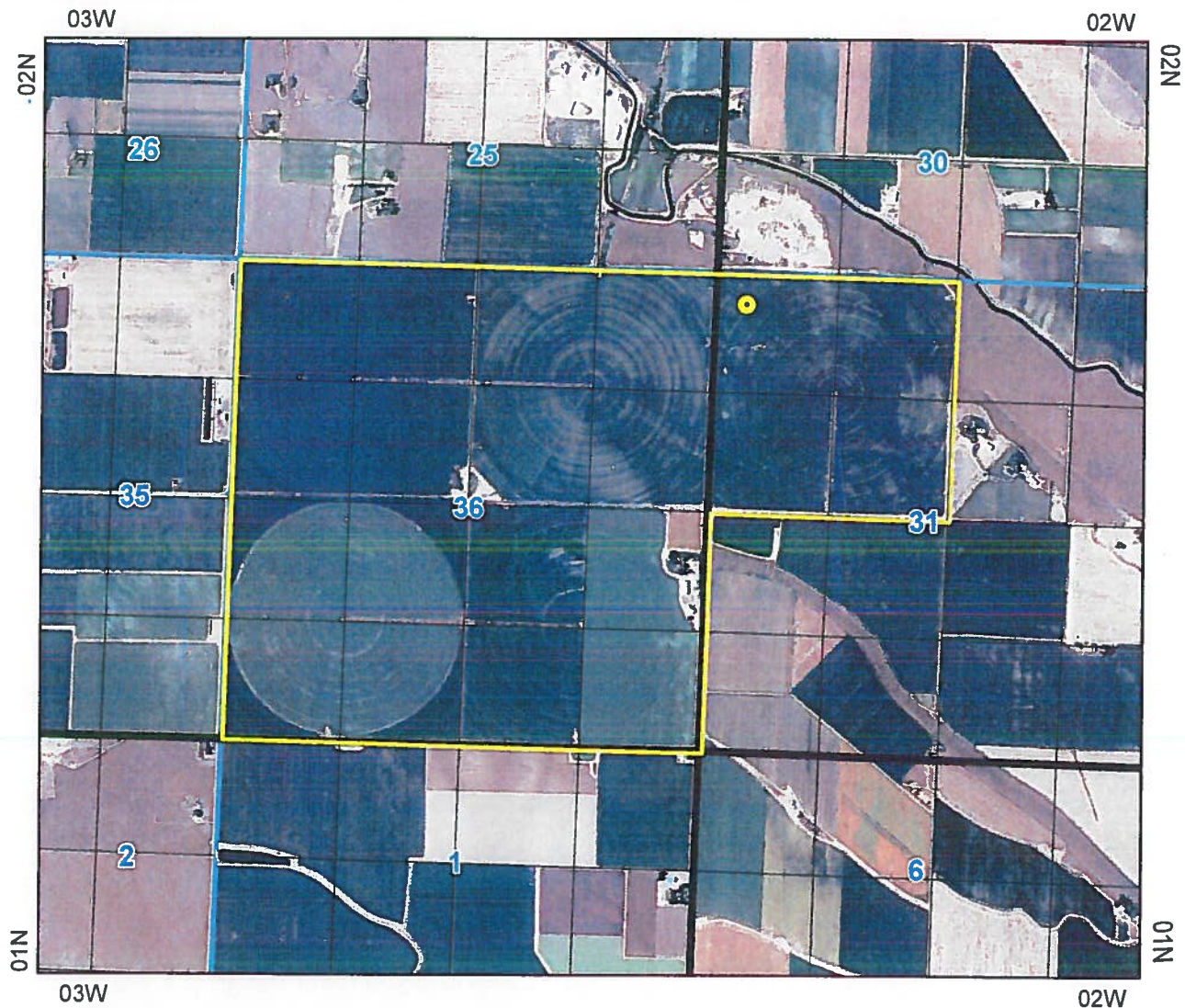


State of Idaho
Department of Water Resources

Water Right 63-31977

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 0.225 0.45 0.9 Miles



HAT BUTTE MUTUAL CANAL COMPANY

August 16, 2017

Via U.S. Mail and Email (greg.sullivan@brockwayeng.com)

Greg Sullivan
Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, ID 83301
(208) 736-8543

Re: Hat Butte Mutual Canal Company consent to Applications for Transfer of Water Rights in the name of Frank Tiegs, L.L.C.

Dear Greg:

Thank you for your May 19, 2017, email by which you requested consent from Hat Butte Mutual Canal Company ("Hat Butte") to the proposed Application for Transfer of Water Right Nos. 2-2280, 2-2368, 2-2422, and 63-31977 and Application for Transfer of Water Right Nos. 2-68, 63-2754, 63-2867, 63-2975, 63-3104, 63-3492, 63-3490A, 63-4799, 63-7561 and 63-7793 (collectively, the "Transfer Applications"), in the name of Frank Tiegs, L.L.C. ("Tiegs"), copies of which were attached to your email. Also, thank you for your June 30, 2017 answers to clarifying questions asked by Hat Butte's attorney, and the amended pages to the Transfer Applications you provided on the same date.

The Transfer Applications as amended by you on June 30 (collectively, "Amended Transfer Applications") propose to create permissible places of use and to update the irrigation places of use for the referenced water rights; they do not propose any other changes to the water rights. As required by I.C. § 42-108, Hat Butte must consent to any proposed changes to the surface water rights included in the Amended Transfer Applications (*i.e.*, the rights with the "2" prefix) because those rights currently are diverted and delivered by Hat Butte through its facilities.

Hat Butte will consent to the Amended Transfer Applications only if Tiegs agrees to the terms and conditions set forth below. Please have Tiegs' execute this letter in the space provided below to acknowledge Tiegs' agreement to such terms and conditions, and return the signed letter to Hat Butte. With or without Tiegs' signature below, any use of this letter in support of the Amended Transfer Applications will be deemed to signify Tiegs' agreement to all terms and conditions contained herein.

Hat Butte's consent to the Amended Transfer Applications is conditioned upon Tiegs' agreement to defend, indemnify, and hold Hat Butte harmless for any claim, loss or liability arising out of or in any way connected with the Amended Transfer Applications, and for any costs related to the Amended Transfer Applications, including without limitation any costs

Mr. Greg Sullivan
August 16, 2017
Page 2

associated with reducing, measuring, or reporting diversions (or reductions in diversions) of water using Hat Butte's facilities.

Hat Butte's consent is limited to the Amended Transfer Applications attached to your May 19, 2017 email (as amended by you on June 30, 2017). Any amendments to the Amended Transfer Applications and any other applications (including without limitation Water Supply Bank applications and transfer applications) will require additional consent from Hat Butte.

If the Amended Transfer Applications are approved, Tiegs shall continue to hold all of its existing shares in Hat Butte and shall continue to pay all Hat Butte assessments without any reduction or discount for the amount transferred.

Again, Hat Butte's consent will be effective only if Tiegs agrees to the terms and conditions set forth above. To acknowledge the agreement, please have Tiegs' execute this letter in the space provided below and return it to Hat Butte.

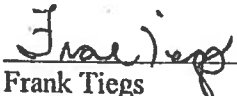
Sincerely,


Mike Siegersma
President, Hat Butte Mutual Canal Company

cc: Michael P. Lawrence, Givens Pursley LLP

**ACKNOWLEDGEMENT OF ACCEPTANCE OF
TERMS AND CONDITIONS OF CONSENT**

Frank Tiegs, L.L.C. ("Tiegs") agrees to the above-described terms and conditions by which Hat Butte Mutual Canal Company ("Hat Butte") is willing to provide consent to the Amended Transfer Applications (defined above). Tiegs acknowledges Hat Butte's consent is subject to such terms and conditions.



Frank Tiegs
Manager, Frank Tiegs, L.L.C.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 24, 2017

FRANK TIEGS LLC
PO BOX 3350
PASCO WA 99302

Re: Transfer No: 81898
Water Right No(s): 2-2280, 2-2368, 2-2422, 63-31977

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 334-2190.

Sincerely,

 Rachel Neely for:

Nick Miller
Regional Manager

Enclosure

CC:

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

FRANK TIEGS LLC
PO BOX 3110
PASCO WA 99302

CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 81898

Water Right No(s): 2-2280, 2-2368, 2-2422, 63-31977

**FRANK TIEGS LLC
PO BOX 3350
PASCO WA 99302**

**BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301**

**FRANK TIEGS LLC
PO BOX 3110
PASCO WA 99302**



**Rachel Neely
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Transfer No. 81898
FROM: Patrick Kelly
DATE: 9/19/2017
RE: Evaluation of Application

Summary of Information Submitted

Transfer No, 81278 proposes to create a 796 acre PPU for 4 water rights (2-2280, 2-2368, 2-2422 and 63-31977) with a 780 acre limit. Changes to diversions or irrigation methods are not proposed. The farm is located on the NW corner of Sky Ranch Rd and Richardson Ln, approximately 4 miles south of Lake Lowell, Canyon County.

Greg Sullivan of Brockway Engineering is the representative in Twin Falls at (208)736-8543. 2-2368 and 2-2422 were leased into the Water Supply Bank this month for a total of 3.2 acres. The leased acres are not currently irrigated by the farm, and should continue to be idle post transfer. These acres are not affected by the transfer, so normal transfer processing may continue.

Correspondence with the representative was made to amend Part1B.2. to reflect all of the water authorized under license was changing. This also required the applicant to pay an additional \$560. The transfer application was incomplete until both of these items were received on 9/11/2017.

All of the rights' POD's were described to the 10 acre tract pre transfer. Since current department standards reserve the 10 acre description to spring sources, the opportunity was taken to remove the 10 acre POD description from all of the rights.

Authority to File: The application was filed in the name of Frank Tiegs LLC and was signed by a Mr. Tiegs. According to ID SOS records for this company, Mr. Tiegs is the Member and Manager to the company. Frank Tiegs is current owner to all of the rights relevant to the transfer.

Water Right Validity: The rights were decreed in 2009. Review of 2015 aerial imagery shows fully irrigated lands associated with the POU. Water Supply Bank leases protects non irrigated land from forfeiture. All rights presumed to be valid.

Overlap Analysis: Place of use comparison tool finds that all water rights pertinent to the Frank Tiegs farm at this location are included in the transfer. No other rights should be considered.

Injury to Other Water Rights: None anticipated. Changes to points of diversion are not proposed. At the time of this review, the farm is within the I-84 Ground Water Project boundary. Because changes to the POD are not proposed, processing may resume without further comment needed.

Enlargement of Use: None anticipated. Frank Tieg diversions will continue to be limited to a total diversion of 15.84 cfs, on 780 acres. The 74.30 cfs diversion rate with the much larger group of rights pre transfer will be maintained. A combined use limit of 3,330 af for the 4 rights found on some of the rights is just an additive representation of all 4 rights summed together. This is not an actual combined use limit, and will be dropped from the rights.

Local Public Interest: Review staff has no information that would compromise the local public interest.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Kelly, Patrick

From: Kelly, Patrick
Sent: Tuesday, September 19, 2017 1:05 PM
To: Buyer, Remington
Subject: Transfer involving rights leased to the WSB
Attachments: DOC052.pdf

Hello Remington,

We received a transfer for some Frank Tieg rights that were recently leased into the Bank this month (Contract #670). The transfer proposes to create a PPU for the four rights on the farm. Changes to POD or irrigation methods are not proposed. The changes proposed in the transfer do not appear to affect the lease agreement as the irrigated (or non-irrigated) acres are not being relocated. Attached is a DRAFT approval of the transfer. Please let me know if you have any questions or would like more information.

Regards,

Patrick Kelly

Water Resource Agent, Senior
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705
p: 208.334.2190
f: 208.334.2348
patrick.kelly@idwr.idaho.gov



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

September 8, 2017

Nick Miller
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-508

RECEIVED

SEP 11 2017

WATER RESOURCES
WESTERN REGION

Re: Frank Tiegs LLC PPU Transfer

Dear Mr. Miller:

The attached transfer application proposes to create a permissible place of use for water rights 2-2280, 2-2368, 2-2422 and 63-31977. The transfer would correct the current irrigation POU to current irrigation practices on the farm. The transfer will also allow easier management of the ground water rights.

Hat Butte Mutual Canal Company delivers water right 2-2280, 2-2368 and 2-2422 for Frank Tiegs LLC. Hat Butte Mutual Canal Company reviewed the proposed transfer application and have provided a letter of consent to the proposed transfer.

The application will not be transferring in any additional water right acres, the beneficial use will not be changing, the ownership will not be changing, PODs will not be changing and the period of use will not be changing.

A lease application for 4.1 acres of water rights 2-2368, 2-2442 and 63-31977 has been submitted to the Idaho Water Supply Bank.

A total of 18.84 or 3510.0 acre-feet will be changed due to this transfer. A transfer fee of \$500.00 has already been submitted to IDWR. A check for an additional \$560.00 is attached to this letter.

Please copy our office on all correspondence regarding this application.

Sincerely,



Greg Sullivan, M.S., Engineer

Cc: Frank Tiegs

Enc: Transfer Application, Aerial Maps, Exhibit A, Hat Butte Mutual Canal Company Consent Letter, Brockway Engineering Check # 14222 for \$560.00

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 5, 2017

FRANK TIEGS LLC
C/O GREG SULLIVAN
BROCKWAY ENGINEERING PLLC
2016 N WASHINGTON ST SUITE 4
TWIN FALLS ID 83301

COPY

Re: Water Right Transfer Application Incomplete - Returned

Dear Mr. Sullivan:

This office received an application for transfer of water right filed on behalf of Frank Tiegs LLC on August 25, 2017. The application cannot be accepted into the records of the Idaho Department of Water Resources (IDWR) until the following items are addressed:

- **The Fee**

- The application proposes creation of an 805 ac permissible place of use (PPU) for four water rights totaling a diversion rate of 15.84 cfs. The application form indicates only 0.25 cfs &/ 55.8 afa is proposed for change. The rights proposed for transfer do not currently have a combined rate limit. Right 2-2280 has a current place of use (POU) of 40 ac, the entirety of which could be moved onto new land inside the proposed 805 ac PPU (0.8 cfs of right). Right 2-2368 has a 580 ac PPU with an irrigation ac limit of 493 ac of which 225 ac could be moved to different land inside the proposed PPU (4.5 cfs of right). Right 2-2422 has a 580 ac PPU with an irrigation ac limit of 87 ac, the entirety of which could be moved to different land inside the proposed PPU (1.74 cfs of right). Right 63-31977 has a 780 ac PPU with an irrigation ac limit of 160 ac of which 25 ac could be moved to different land inside the proposed PPU (0.54 cfs of right). IDWR views a larger portion of each right may be subject to the proposed change and required filing fee than the 0.25 cfs &/ 55.8 afa claimed on Part 1B.2. of the application form. A total transfer filing fee of \$1060.00 based on the rate of 7.58 cfs is required. Alternatively, a combined rate limit of 0.25 cfs (based on the form and filing fee received) could be placed on the rights if that is part of the proposal. If it is the applicant's intent to retain the ability to divert 15.74 cfs total under the rights (not create a rate limit via the transfer filing), please submit an additional \$560.00 (\$500.00 received 8/25/17 with initial filing).

- **Part 1B.2. Total amount of water proposed to be transferred or changed:**

- If it is not the applicant's intent to create a combined limit of 0.25 cfs &/ 55.8 afa for the four water rights proposed for transfer, please have the applicant amend this item of the form to clearly state the intended amount of water subject to the proposed change.

The original incomplete application is enclosed. Please make the necessary amendments to the original form and re-submit together with payment of the fee within the next thirty (30) days. If IDWR does not receive your written response within thirty (30) days, a refund will be issued for this filing. You may receive future correspondence regarding more specific details and/or questions regarding the

Frank Tiegs LLC c/o Brockway Engineering PLLC
September 5, 2017
Page 2 of 2

application. This correspondence serves only to request amendment(s) and associated filing fee to ensure a complete filing is submitted to allow for future review. Please contact me at 208-334-2190 if you have any questions about the necessary amendment or fee.

Regards,

A handwritten signature in black ink, appearing to read 'Angela M. Grimm', with a large, stylized loop at the end.

Angela M. Grimm
Water Rights Supervisor

Enclosure: Original Application, transfer fee schedule

Cc: Frank Tiegs LLC



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

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AUG 25 2017

WATER RESOURCES
WESTERN REGION

August 17, 2017

Nick Miller
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-508

Re: Frank Tiegs LLC PPU Transfer

Dear Mr. Miller:

The attached transfer application proposes to create a permissible place of use for water rights 2-2280, 2-2368, 2-2422 and 63-31977. The transfer would correct the current irrigation POU to current irrigation practices on the farm. The transfer will also allow easier management of the ground water rights.

Hat Butte Mutual Canal Company delivers water right 2-2280, 2-2368 and 2-2422 for Frank Tiegs LLC. Hat Butte Mutual Canal Company reviewed the proposed transfer application and have provided a letter of consent to the proposed transfer.

The application will not be transferring in any additional water right acres, the beneficial use will not be changing, the ownership will not be changing, PODs will not be changing and the period of use will not be changing.

A lease application for 4.1 acres of water rights 2-2368, 2-2442 and 63-31977 has been submitted to the Idaho Water Supply Bank.

A total of 12.4 acres (.25 cfs or 55.8 acre-feet) will be changed due to this transfer.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Frank Tiegs

Enc: Transfer Application, Aerial Maps, Exhibit A, Hat Butte Mutual Canal Company Consent Letter, Brockway Engineering Check # 14190 for \$500.00

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
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