

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Collection pond on the end of King Hill Irr. Dist lateral then piped to pump station on Little Canyon Creek where there is a small collection dam to pump water to property.

- b. Who owns the property at the point(s) of diversion? Travis Williams
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Verbal agreement (and visible ditch) with Travis Williams

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

n/a

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The Map Tool, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Walter L. Trail

Signature of applicant or authorized agent

Walter L. Trail - General Partner

Print name and title if applicable

2/15/2017

Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes 14 pages of attachments.

Received by CS

Date 2/15/17

Fee paid \$500 Date 2/15/17

Received by CS

Receipt # W044954

Preliminary review by P. Kelly

Date 2-7-17

Active in the Water Supply Bank? Yes ☐ No ☒

W-9 received? Yes ☐ No ☒

Name on W-9

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

Instrument # 452575 # Pages: 4
ELMORE COUNTY, Idaho
Mar 21, 2016 3:01:28 pm Fee: \$ 19.00
For: GUARANTY TITLE INC
BARBARA STEELE, Recorder
DELLIS, Deputy

CONSERVATOR'S DEED

THIS DEED is made by Tresco of Idaho, conservator for Carlene Smith, Grantor, to Trail Family Farms, LLLP, Grantee, 5308 E. Trail Rd., King Hill, Idaho 83683.

WHEREAS, Grantor was duly appointed conservator for Carlene Smith by the District Court of the Third Judicial District, of the State of Idaho, in and for the County of Canyon, Case No. CV 2015-0001859-C, on June 4, 2015; and is now qualified in acting in that capacity.

NOW, THEREFORE, pursuant to the powers conferred upon Grantor by the Idaho Probate Code, Grantor does hereby convey, assign, transfer and set over unto Grantee a fee simple interest in and to the following described five parcels of real property, situate in the County of Elmore, State of Idaho:

SEE EXHIBIT A

Dated this 17 day of March, 2016.

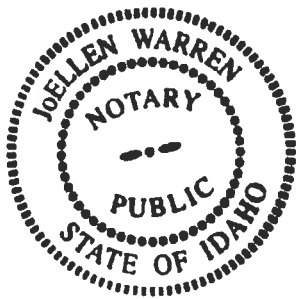
TRESCO OF IDAHO,
Conservator for Carlene Smith

By 
Karl Seideman

STATE OF IDAHO)
) ss:
County of Ada)

On this 17 day of March, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared KARL SEIDEMAN for Tresco of Idaho, Conservator for Carlene Smith, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Joellen Warren
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 4-21-17

EXHIBIT "A"

Parcel 1:

Township 5 South, Range 10 East, Boise Meridian, Elmore County, Idaho

Section 18: E1/2SW1/4 SAVE AND EXCEPT:

A parcel of land being a portion of the East 1/2 of the SW1/4 of Section 18, Township 5 South, Range 10 East, Boise Meridian, Elmore County, Idaho, said parcel being more particularly described as follows:

**Commencing at the Brass Cap marking the 1/4 corner common to Sections 18 and 19, Township 5 South, Range 10 East, Boise Meridian, Elmore County, Idaho; thence
North 89°52'32" West 1338.07 feet to an iron pin marking the West 1/16 corner common to said Sections 18 and 19, said point being the REAL POINT OF BEGINNING;
thence along the following courses and distances to iron pins:
North 00°22'29" East 1731.48 feet along the West 1/16 Line of said Section 18; thence
South 88°06'31" East 660.04 feet; thence,
South 00°44'15" West 1092.50 feet; thence,
South 89°55'01" East 276.37 feet; thence,
South 20°18'56" East 135.95; thence
North 87°04'55" East 152.83 feet; thence
South 5°48'26" East 502.28 feet to the line common to said Sections 18 and 19; thence
North 89°52'32" West 1183.96 feet to the REAL POINT OF BEGINNING.**

Parcel II:

Township 5 South, Range 10 East, Boise Meridian, Elmore County, Idaho

Section 18: A parcel of land being a portion of the East 1/2 of the SW1/4 of Section 18, Township 5 South, Range 10 East, Boise Meridian, Elmore County, Idaho, said parcel being more particularly described as follows:

**Commencing at the Brass Cap marking the 1/4 corner common to Sections 18 and 19, Township 5 South, Range 10 East, Boise Meridian, Elmore County, Idaho; thence
North 89°52'32" West 1338.07 feet to an iron pin marking the West 1/16 corner common to said Sections 18 and 19, said point being the REAL POINT OF BEGINNING;
thence along the following courses and distances to iron pins:
North 00°22'29" East 1731.48 feet along the West 1/16 Line of said Section 18; thence
South 88°06'31" East 660.04 feet; thence,
South 00°44'15" West 1092.50 feet; thence,
South 89°55'01" East 276.37 feet; thence,
South 20°18'56" East 135.95; thence
North 87°04'55" East 152.83 feet; thence
South 5°48'26" East 502.28 feet to the line common to said Sections 18 and 19; thence
North 89°52'32" West 1183.96 feet to the REAL POINT OF BEGINNING.**

Parcel III:

Township 5 South, Range 10 East, Boise Meridian, Elmore County, Idaho

Section 18: SE1/4SE1/4 Save and Except a portion of the following described parcel;

A parcel of land being a portion of the South 1/2 of the SE1/4 of Section 18, Township 5 South, Range 10 East, Boise Meridian, Elmore County, Idaho, said parcel being more particularly described as follows:

Commencing at the Brass Cap marking the corner common to Sections 18, 17, 20, and 19, Township 5 South, Range 10 East, Boise Meridian, Elmore County, Idaho; thence South 89°33'00" West 1246.88 feet along the line common to said Section 18 and 19 to an iron pin, said point being the REAL POINT OF BEGINNING;

thence along the following courses and distances to iron pins; continuing South 89°33'00" West 1178.67 feet; thence

North 00°32'22" East 1327.77 feet to the South 1/16 Line of said Section 18; thence along said South 1/16 Line, North 89°46'50" East 1576.58 feet; thence

South 6°50'44" West 553.76 feet; thence

South 30°29'02" West 559.98 feet; thence

South 11°40'24" West 298.27 feet to the REAL POINT OF BEGINNING.

Parcel IV:

Township 5 South, Range 10 East, Boise Meridian, Elmore County, Idaho

Section 18: A parcel of land being a portion of the South 1/2 of the SE1/4 of Section 18, Township 5 South, Range 10 East, Boise Meridian, Elmore County, Idaho, said parcel being more particularly described as follows:

Commencing at the Brass Cap marking the corner common to Sections 18, 17, 20, and 19, Township 5 South, Range 10 East, Boise Meridian, Elmore County, Idaho; thence

South 89°33'00" West 1246.88 feet along the line common to said Section 18 and 19 to an iron pin, said point being the REAL POINT OF BEGINNING;

thence along the following courses and distances to iron pins; continuing South 89°33'00" West 1178.67 feet; thence

North 00°32'22" East 1327.77 feet to the South 1/16 Line of said Section 18; thence along said South 1/16 Line, North 89°46'50" East 1576.58 feet; thence

South 6°50'44" West 553.76 feet; thence

South 30°29'02" West 559.98 feet; thence

South 11°40'24" West 298.27 feet to the REAL POINT OF BEGINNING.

Parcel V:

A parcel of land being a portion of the SW1/4 of the SE1/4 of Section 18, Township 5 South, Range 10 East, Boise Meridian, Elmore County, Idaho, said parcel being more particularly described as follows:

Commencing at the iron pin marking the corner common to sections 18, 17, 20 and 19, Township 5 South, Range 10 East, Boise Meridian, Elmore County, Idaho; thence

South 89°33'00" West 2680.51 feet to the Brass Cap marking the 1/4 corner common to said Sections 18 and 19, said point being the REAL POINT OF BEGINNING; thence along the following courses and distances to iron pins:

North 00°28'43" East 1328.78 feet to the South 1/16 Corner of said section 18; thence along the South 1/16th line, North 89°46'50" East 256.35 feet; thence

South 00°32'22" West 1327.77 feet to the South line of said Section 18; thence

South 89°33'00" West 254.95 feet to the REAL POINT OF BEGINNING.

TOGETHER WITH WATER RIGHT NUMBERS: 61-2000A, 61-4038, 61-7236A, 617236B, 61-12187, 61-12189, 61-12191, 61-12193, 61,12196, 61-12197, 61-7426, 61-11731, 61-00585, 61-293D

Guaranty Title, Inc
Trust Account
206 South 3rd East St
Mountain Home, Id 83647

Bank of the Casca
400 North 3rd East St
Mountain Home, ID 83647
96-602/1232.5

11909

PAY *Four Hundred Twenty Five and 00/100*
TO THE
ORDER OF

16021

DATE
03/21/2016

AMOUNT
\$425.00

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082

VOID AFTER 90 DAYS

Memo: Water Right Transfers

Jeanne Martinez
Shirley A. Bennett

Guaranty Title, Inc
Trust Account
206 South 3rd East St
Mountain Home, Id 83647

Bank of the Cascades
400 North 3rd East St
Mountain Home, ID 83647
96-602/1232.5

11909

16021
PAYEE: IDWR Western Region
SELLER: Carlene R Smith
BUYER: Trail Family Farms, LLLP
ADDRESS: , , D

Check Date: 03/21/2016

\$425.00

Line Items	Description	Amount
1301	Water right transfers	\$425.00

Guaranty Title, Inc
Trust Account
206 South 3rd East St
Mountain Home, Id 83647

Bank of the Cascades
400 North 3rd East St
Mountain Home, ID 83647
96-602/1232.5

11909

16021
PAYEE: IDWR Western Region
SELLER: Carlene R Smith
BUYER: Trail Family Farms, LLLP
ADDRESS: , , D

Check Date: 03/21/2016

\$425.00

Line Items	Description	Amount
1301	Water right transfers	\$425.00

No. L 6389		Due no later than Apr 30, 2016		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. TRAIL FAMILY FARMS, LLLP TERRIE E TRAIL 5308 E TRAIL RD KING HILL ID 83633		TRAIL PROPERTIES LLC 5308 E TRAIL RD KING HILL ID 83633			
				3. <u>New</u> Registered Agent Signature:*			
Office Held	Name	Street or PO Address	City	State	Country	Postal Code	
GENERAL PARTNER	JENNIFER R TRAIL	5603	KING HILL	ID	USA	83633	
GENERAL PARTNER	TERRIE E TRAIL	5308 E TRAIL RD	KING HILL	ID	USA	83633	
GENERAL PARTNER	RUSTY L TRAIL	5603 E TRAIL RD	KING HILL	ID	USA	83633	
GENERAL PARTNER	WALTER L TRAIL	5308 E TRAIL RD	KING HILL	ID	USA	83633	
5. Organized Under the Laws of: ID L 6389		6. Annual Report must be signed.* Signature: Terrie E Trail Name (type or print): Terrie E Trail Date: 04/16/2016 Title: sec					
Processed 04/16/2016		* Electronically provided signatures are accepted as original signatures.					

81459

FILED EFFECTIVE

230



CERTIFICATE OF LIMITED PARTNERSHIP

(Instructions on back of application)

2010 APR 22 PM 2: 08

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited partnership:

Trail Family Farms, LLLP

2. The mailing address of the principal office:

5305 E. Trail Road, King Hill, Idaho 83633

4. The name and mailing address of each general partner:

Name

Address

Trail Properties, LLC

5305 E. Trail Road, King Hill, Idaho 83633

(If more space is needed, continue in item 6.)

5. This limited partnership [☐ is not] [☒ is] a limited liability limited partnership.
(If you check that your partnership is a limited liability limited partnership, your partnership name must end in LLLP or Limited Liability Limited Partnership.)

6. Other matters (optional):

7. Signature of all general partners:

Walter L. "Rocky" Trail

Trail Properties, LLC

Typed Name

Walter L. "Rocky" Trail

Typed Name

Typed Name

Typed Name

Secretary of State use only

Secretary of State use only

Web Form

IDAHO SECRETARY OF STATE
04/22/2010 05:00
CK: 5416 CT: 85549 DN: 1216953
1 @ 100.00 = 100.00 LTD PTR DN # 2

81459

L6389

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

2/15/2017

WATER RIGHT NO. 61-7236A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CARLENE R SMITH 13805 QUINTESSA ST CALDWELL, ID 83607 208-459-3394
Original Owner	RICHARD P VINER 2604 N MORROW RD GLENN'S FERRY, ID 83623-5016 (208)366-2318

Priority Date: 07/10/1975

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	0.86 CFS	
Total Diversion			0.86 CFS	

Location of Point(s) of Diversion:

WASTE WATER|SESE|Sec. 18|Township 05S|Range 10E|ELMORE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ELMORE County

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<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>

05S | 10E | 18 | | SWSE | 33 | | SESE | 10 | | | |

Total Acres: 43

Conditions of Approval:

1. 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.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.67 CFS. COMBINED RIGHT NOS.: 61-02000A, 61-02000B, 61-07236B.
3. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 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.
4. C15 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

Dates:

Licensed Date:

Decreed Date: 10/26/2000

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 1.67

Civil Case Number:

81459

Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

2/15/2017

WATER RIGHT NO. 61-7236B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CARLENE R SMITH 13805 QUINTESSA ST CALDWELL, ID 83607 208-459-3394
Original Owner	CARLENE R VINER
Original Owner	RICHARD P VINER 2604 N MORROW RD GLENN'S FERRY, ID 83623-5016 (208)366-2231

Priority Date: 07/10/1975

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	0.14 CFS	
Total Diversion			0.14 CFS	

Location of Point(s) of Diversion:

WASTE WATER|SESE|Sec. 18|Township 05S|Range 10E|ELMORE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ELMORE County

81459

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05S	10E	18		SWSE	7									

Total Acres: 7

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.67 CFS. COMBINED RIGHT NOS.: 61-02000A, 61-02000B, 61-07236A
2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 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.
3. C15 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

Dates:

Licensed Date:

Decreed Date: 03/04/2003

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 1.67

Civil Case Number:

Old Case Number:

Decree Plaintiff:

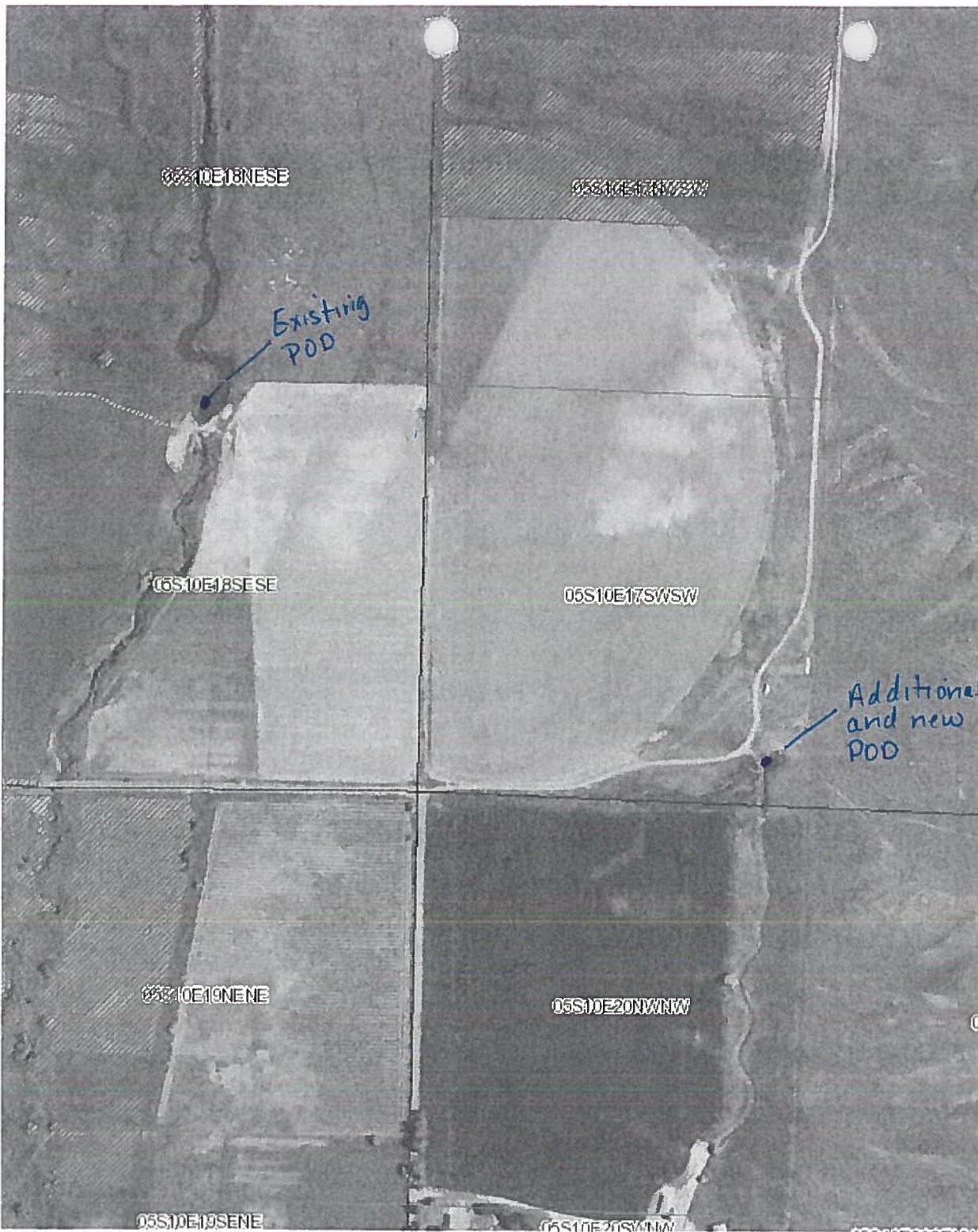
81459

Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

Item.#7

Trail
-additional
point of
diversion





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 14, 2017

TRAIL FAMILY FARMS LLLP
5308 E TRAIL RD
KING HILL, ID 83633

RE: Transfer No. 81459
Water Right No(s). 61-7236A

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the MOUNTAIN HOME NEWS on 9/20/2017 and 9/27/2017. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Rachel Neely', with a long horizontal flourish extending to the right.

Rachel Neely
Administrative Assistant

CC:

CANDICE MC HUGH
MC HUGH BROMLEY PLLC
380 S 4TH ST STE 103
BOISE, ID 83702

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, September 14, 2017 12:30 PM
To: Swenson, Stacy
Subject: Elmore Legal Ad
Attachments: Elmore Cover Letter.docx; Elmore Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 9/20/2017 & 9/27/2017.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

September 14, 2017

LEGAL NOTICE DEPARTMENT
MOUNTAIN HOME NEWS
PO BOX 1330
MOUNTAIN HOME, ID 83647-1330

RE: Transfer No. 81459

Dear Legal Notice Department:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 10/10/2017. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

The following application has been filed to appropriate the public waters of the State of Idaho:

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81459**

TRAIL FAMILY FARMS LLLP, 5308 E TRAIL RD, KING HILL, ID 83633; has filed Application No. 81459 for changes to the following water rights within ELMORE County(s): Right No(s). 61-7236A. Trail Family Farms LLLP of 5308 E Trail Rd, King Hill, ID 83633 filed an application on February 15, 2017 to exchange Water Rights No. 61-7236A and 61-7236B with a 1975 priority date from wastewater totaling 1.00 cfs. The rights are diverted and used for irrigation from April 1 to November 1 in the Little Canyon Creek basin, directly north of N Morrow Reservoir Road. The purpose of the exchange is to add a point of diversion to the rights at a pond located at the end of a King Hill Irrigation ditch. This point lies within the Twn 5 South, Rge 10 East, Sec 17 SWSW $\frac{1}{4}$.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s) or proposed transfer(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 10/10/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 9/20/2017 and 9/27/2017



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 14, 2017

PEARSON FARMS RANCH
117 HOMESTEAD DR
HAILEY ID 83623

PEARSON FARMS RANCH
2240 E MAPLE DR
KING HILL ID 83633

KING HILL IRRIGATION DISTRICT
4183 MERIDIAN ST
KING HILL ID 83633

PEARSON FARMS RANCH
2159 N MORROW RES RD
GLENNS FERRY ID 83623

Re: Application for Transfer No. 81459

Dear Interested Party:

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to the *Mountain Home News* for advertising. I have enclosed a copy of the application for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by **October 10, 2017**. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

Rachel Neely
Administrative Assistant
Western Regional Office

Enclosures



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 14, 2017

CLIFF LISLE
4294 WASHINGTON AVE
KINGHILL ID 83633

RE: Application for Transfer No. 81459

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. A copy of the application is enclosed with this letter for your reference. Please review the application, complete the attached recommendation form, and submit your reply, if any, to this office by **October 10, 2017**.

IDWR will assume you do not object to this application if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Rachel Neely
Administrative Assistant

Kelly, Patrick

From: Kelly, Patrick
Sent: Thursday, September 07, 2017 3:28 PM
To: 'C McHugh'; Miller, Nick
Subject: RE: Transfer on 61-7236A and 61-7236B

Candice,
I will forward this on to advertising.

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

From: C McHugh [mailto:cmchugh@mchughbromley.com]
Sent: Wednesday, September 06, 2017 3:57 PM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>; Kelly, Patrick <Patrick.Kelly@idwr.idaho.gov>
Cc: Candice McHugh <cmchugh@mchughbromley.com>
Subject: Transfer on 61-7236A and 61-7236B

Nick and Patrick

My client asked that the advertising of the transfer on the above listed water right be halted. However, we would like to go forward with that transfer and have it advertised as soon as possible.

Please let me know if there is anything further we need to do on our end.

Sincerely,

Candice McHugh



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

April 10, 2017

TRAIL FAMILY FARMS LLLP
5308 E TRAIL RD
KING HILL ID 83633

COPY

RE: Transfer 81459

Dear Applicant:

On February 15, 2017, you filed a transfer application for waste water rights authorized under water right 61-7236A and 61-7236B. The transfer application proposes to add a point of diversion at a point located at the end of the King Hill Irrigation District Canal for your place of use west of Little Canyon Creek.

Review of water right file 61-7236 shows that the application for permit submitted in August of 1975 contained a map outlining the point of diversion within the SESE $\frac{1}{4}$ $\frac{1}{4}$ Sec 18, Township 5 South, Range 10 East on Little Canyon Creek. The irrigation use is described by "allowing to pump waste and seepage water out of the creek on to this land." It is clear that the source of waste water is water collected from fields above the place of use and diverted from the creek. As indicated on the field exam that was conducted August of 1987, a more accurate source would be Little Canyon Creek. Nevertheless, water that enters this point of diversion is upstream of the proposed point of diversion, and is dependent upon the availability of flow naturally occurring.

Water at the proposed point of diversion is delivered via the King Hill Irrigation District Canal. This originates as Snake River water before it is wasted at the end of the canal. The source of wastewater being applied for under transfer no. 81459 is being considered different than the source described by water rights 61-7236A and 61-7236B.

Transfers do not authorize a change of source. An application for exchange pursuant to Section 42-240, Idaho Code may be a more appropriate process rather than an application for transfer. Criteria based on preventing an enhancement to the source is still reviewed however. An application which proposes to change a point of diversion to a new location where the water available is greater or more reliable is presumed to enlarge the water right, unless the proposed change is subject to conditions limiting diversion of water at the proposed new point of diversion to times when water is available and in priority at the original point of diversion.

If you concur with the information above, please withdraw the transfer application. You may seek the changes you desire by filing either an exchange or application for permit. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be rejected without a timely written reply within the next thirty (30) days. Refunds are not issued for rejected applications.

Respectfully,

Patrick Kelly

Water Resource Agent, Sr.