

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 81689

RECEIVED

MAY 09 2017

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

DEPARTMENT OF WATER RESOURCES Southern Region
Transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Bennett Mountain Ranch & Farm, 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

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

RECEIVED
MAY 09 2017
DEPT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant(s) Bennett Mountain Ranch & Farm, LLC Phone 208-841-6006
Mailing address 1216 S. Lake Pointe Way, Eagle, ID 83616 Email rd Burr@cableone.net

- ☐ 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 _____ Phone _____
Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Randall D. Burr RANDALL D. BURR 5/5/17
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

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

Change point of diversion and place of use to new owner's real property location. Will also change ownership of water right.

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 ☒ ☐	37-07636B	.16cfs/54AF	Irrigation	04/01 to 11/01	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .16 cfs and/or 54 acre-feet.

2. Total amount of water proposed to be transferred or changed .16 cubic feet per second and/or 54 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 #
N			NW	NE	14	02S	09E	Elmore	Ground water	D00-70173
N			NW	NE	14	02S	09E	Elmore	Ground water	D00-71842

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	09E	14		20															20
Total Acres (for irrigation use)																			20

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:

Two wells into a pressurized pipeline and then into sprinklers and drip irrigation.

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

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☒ complete **Attachment WSB**.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The land will no longer be irrigated.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Applicant currently renting Water right no. 37-7697 from Idaho water supply bank.

- 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:

Water right is currently leased to Water Supply Bank. Attachment WSB is completed and attached.

Page 6 of _____

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

Current Water Right No.: 37-07636B

Current Owner: JENNIFER SWIGERT
KEVIN SWIGERT

Priority Date: 6/24/1977

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.16 CFS	54 AF
	<u>Total Diversion</u>	0.16 CFS	54 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NE1/4NW1/4 Sec. 27, Twp 01S, Rge 15E B.M.
CAMAS County

Place of Use

IRRIGATION Within CAMAS County

T01S R15E S27	NENW	11.00	T01S R15E S27	SENEW	7.00
Total Acres: 18					

Conditions of Approval:

- C05** Right Includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
- 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(5), Idaho Code.
- This right when combined with all other rights shall provide no more than 0.02 cfs/acre nor more than 3.0 af/acre for the lands above.

Decreed Date: 9/24/2010

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.**

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

[The page contains faint horizontal lines, suggesting it was part of a lined notebook or document.]

Transfer contains _____ pages and _____ attachments.

Received by CS Date 5-9-2017 Preliminary check by _____ Date _____

Fee paid \$ 200 Date 5-9-2017 Received by AM Receipt # 5036118

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☒ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☒ (originals to state office)

Attachment 2a, 2b, 3

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

Current Water Right No.: 37-07636B

Current Owner: JENNIFER SWIGERT
KEVIN SWIGERT

Priority Date: 6/24/1977

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.16 CFS	54 AF
	<u>Total Diversion</u>	0.16 CFS	54 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NE1/4NW1/4 Sec. 27, Twp 01S, Rge 15E B.M.
CAMAS County

Place of Use

IRRIGATION Within CAMAS County

T01S R15E S27	NENW	11.00	T01S R15E S27	SENEW	7.00
Total Acres: 18					

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. 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.
3. This right when combined with all other rights shall provide no more than 0.02 cfs/acre nor more than 3.0 af/acre for the lands above.

Decreed Date: 9/24/2010

Instrument # 453973 # Pages: 65
ELMORE COUNTY, Idaho
Jun 13, 2016 10:57:31 am Fee: \$ 13.00
For: MCANANEY & ASSOCIATES
BARBARA STEELE, Recorder
DELLIS, Deputy

WHEN RECORDED

RETURN TO:

McAnaney & Associates, PLLC
1101 W. River Street, Suite 100
Boise, Idaho 83702

SEND TAX NOTICES TO:

Bennett Mountain Ranch & Farm, LLC
1216 S. Lake Pointe Way
Eagle, Idaho 83616

QUITCLAIM DEED

GRANTORS, **Randall Burr** and **Mona Burr**, husband and wife, do hereby REMISE, RELEASE and forever QUITCLAIM, unto **Bennett Mountain Ranch & Farm, LLC**, an Idaho limited liability company, whose current address is **1216 S. Lake Pointe Way, Eagle, Idaho 83616**, as GRANTEE and to Grantee's successors and assigns, all of Grantors' right, title and interest in and to the real property situated in Elmore County, Idaho, more particularly described as follows:

LEGAL DESCRIPTION: Real property in the County of Elmore, State of Idaho, described as follows:

Township 2 South, Range 9 East, Boise Meridian, Elmore County, Idaho

Section 14: Northwest 1/4 Northeast 1/4

TOGETHER with all tenements, hereditaments and appurtenances there unto belonging.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantors have hereunto subscribed their names to this instrument this 8th day of June, 2016.



Randall Burr

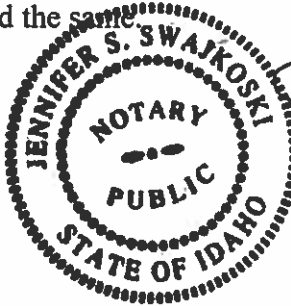


Mona Burr

NOTARY

STATE OF IDAHO)
 : ss.
County of Ada)

On this 8th day of June, 2016, before me, the undersigned, a Notary Public, personally appeared **Randall Burr** and **Mona Burr**, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Jennifer S. Swajkowski
Notary Public for Idaho
Residing at: BORER, ID
My commission expires: 12/17/21

WATER RIGHT PURCHASE AND SALE AGREEMENT

This WATER RIGHT PURCHASE AND SALE AGREEMENT ("Agreement") is entered into effective this 18th day of April, 2017 (the "Effective Date") by and between Kevin and Jennifer Swigert, an Idaho married couple, whose address is 621E 200S, Fairfield, Idaho 83327 (the "Seller") and Bennett Mountain Ranch & Farm, LLC, an Idaho limited liability company whose address is 1216 S. Lake Pointe Way, Eagle, ID 83616 (the "Buyer").

RECITALS

Seller owns a water right to divert ground water for irrigation purposes within administrative Basin 37 as denoted and defined by the Idaho Department of Water Resources ("IDWR"). The water right is represented by water right number 37-07636B in the records of IDWR. Water right number 37-07636B (hereinafter termed the "Water Right") authorizes the diversion of ground water for irrigation purposes on a specific 18 acres of land in Camas County, Idaho from March 1 through November 1 at a maximum diversion rate of 0.16 cubic feet per second ("cfs"), and a maximum annual diversion volume of 54.0 acre-feet per year. A copy of the decree of the Water Right entered by the district court in the Snake River Basin Adjudication is attached as **Exhibit A** to this Agreement.

The Water Right is currently leased to the Idaho Water Resources Board's Water Supply Bank pursuant to a Water Supply Bank Lease Contract dated June 10, 2016. A copy of the Water Supply Bank Lease Contract is attached as **Exhibit B** to this Agreement. The lease term ends on December 31, 2020. During the lease, the Water Right may not be used by the owner thereof. However, the owner may request that the Idaho Water Resources Board release the Water Right from the Water Supply Bank - such request is solely within the discretion of the Idaho Water Resources Board to grant or deny as it sees fit.

Seller desires to sell the entirety of the Water Right. Buyer desires to purchase the Water Right, and file an application with IDWR to change the place of use and point of diversion to Buyer's property in Elmore County.

AGREEMENT

NOW THEREFORE, in consideration of the foregoing recitals, and the covenants and conditions set forth below, Seller agrees to sell the Water Right to Buyer, and Buyer agrees to purchase it.

1. **Purchase Price.** The Purchase Price for the Water Right is _____, payable as follows:

a. Earnest Money Payment. Upon execution of this Agreement by Seller and Buyer, Buyer shall pay Seller _____ as an earnest money payment ("Earnest Money").

b. Balance of Purchase Price. The balance of the Purchase Price, less the Earnest Money, shall be due and payable to Seller at Closing in immediately available funds.

c. Treatment of Earnest Money. The Earnest Money shall be applicable to the Purchase Price.

2. Transfer or Permit Application.

a. Buyer to File Transfer Application. Within 30 days after this Agreement is signed, Buyer shall prepare and file an application to the Idaho Department of Water Resources ("Department") to change the Water Right's place of use and point of diversion to a location upon Buyer's property in Camas County (hereinafter "Transfer Application"). Buyer shall file the Transfer Application with the Department and diligently pursue it at Buyer's sole cost and effort.

b. Seller Cooperation. At any time prior to the final disposition of the Transfer Application by the Department, Seller shall provide Buyer with any information Seller has concerning the Water Right that Buyer may reasonably request in pursuit of the Transfer Application. If responding to such request will require Seller to incur attorney or consultant fees or costs, the following conditions shall apply:

i. Seller shall provide Buyer a written estimate of such fees and costs and shall not be obligated to provide a response until Seller receives from Buyer a written approval of such fees and costs and a commitment from Buyer to pay them directly or reimburse Seller for Seller's payment of them. Once Seller has received such approval, Seller shall provide the response to the extent of the fees and costs covered in the approval.

ii. Seller shall forward to Buyer all bills for such fees and costs within thirty days after Seller receives invoices for such expenses from a consultant or attorney, and shall inform Buyer whether Seller has paid these invoices or, in the alternative, is forwarding them to Buyer for payment. Within thirty days after Buyer receives them, Buyer shall either pay such invoices directly or reimburse Seller for Seller's payment of them.

3. Termination. Buyer may terminate this Agreement prior to Closing at any time for any reason. Upon termination, Seller shall forfeit the Earnest Money payment made to Seller. If Buyer terminates this Agreement, it shall immediately withdraw the Transfer Application from

consideration and processing by IDWR and execute any documents necessary to confirm the Water Right is unencumbered by this Agreement.

4. **Closing.** The Closing shall occur on the earlier of: a) 10 days after the final, unappealable approval of the Transfer; or b) 2 years from the Effective Date. At Closing:

a. Seller shall deliver to Buyer:

i) an executed and acknowledged Water Right Grant Deed and Assignment ("Deed") in the form attached to this Agreement as **Exhibit C**; and

ii) such other documents as Buyer may reasonably request within thirty days prior to closing to confirm Buyer's ownership of the Water Right or its transferability.

b. Buyer shall deliver to Seller the balance of the Purchase Price by means of a cashier's check or other means of payment acceptable to Seller. Buyer shall have responsibility for recording or filing the Deed with the county recorder and any notices of change of ownership with the Department or any other entities Buyer deems appropriate.

5. **Remedies for Breach.** In the event either party breaches this Agreement, the other party may seek specific performance of the Agreement and/or monetary damages. If either party commences litigation for the judicial interpretation, enforcement or rescission of this Agreement, the prevailing party shall be entitled to its reasonable attorney fees and costs.

6. **Representations and Warranties.**

a. Seller hereby represents and warrants that:

i. Seller no longer irrigates using the Water Right;

ii. Seller is the owner of the Water Right and has not conveyed, mortgaged, or pledged the Water Right to any other person or entity except as noted above;

iii. Seller has not engaged or dealt with any broker or finder in connection with the sale of the Water Right; and

iv. Seller has the legal power, right and authority to enter into this Agreement and to perform Seller's obligations hereunder;

b. Buyer hereby represents and warrants that:

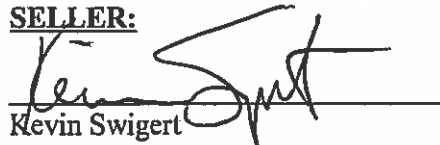
- i. Buyer has the legal power, right and authority to enter into this Agreement and to perform Buyer's obligations hereunder;
 - ii. Buyer has not engaged any broker or finder in connection with the purchase of the Water Right; and
 - iii. Buyer understands and agrees that the approval of the Transfer may impose new conditions on the use of the Water Right and may reduce the amount of water available for diversion of the Water Right.
- c. All representations and warranties contained herein shall survive the closing and delivery of Seller's Water Right Grant Deed and Assignment.

7. General Provisions.

- a. This Agreement contains the entire agreement between the parties related to the purchase and sale of the Water Right, and all prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged herein.
- b. No modification, amendment, discharge, or change of this Agreement shall be valid unless the same is in writing and signed by both parties.
- c. This Agreement shall be binding upon, inure to the benefit of, and be enforceable by the parties hereto and their respective heirs, representatives, successors and assigns.
- d. All notices to be given to the parties shall be in writing, delivered in hand, or by U.S. Mail, postage pre-paid directed to such parties' addresses as stated above unless such party shall have directed in writing that notice be sent to a different address. Notice shall be deemed given upon receipt if hand-delivered or upon deposit into the U.S. Mail if provided by mail.
- e. This Agreement may be executed in counterparts.
- f. Wherever under the terms and provisions of this Agreement the time for performance falls upon a Saturday, Sunday, or legal holiday, such time for performance shall be extended to the next business day.

IN WITNESS WHEREOF, this Agreement has been executed by the parties, in the State of Idaho, as of the date set forth above.

SELLER:


Kevin Swigert


Jennifer Swigert

BUYER:


Randall Burr, Member
Bennett Mountain Ranch & Farm, LLC

Exhibit A

PAGE 1
Jul-06-2010

Exhibit B

WATER SUPPLY BANK LEASE CONTRACT

RECEIVED

JUN 09 2016

DEPARTMENT OF
WATER RESOURCES

This Lease Contract ("Lease") is between the Idaho Water Resource Board ("Board"), and

LESSOR: KEVIN SWIGERT
621 E 200 S
FAIRFIELD ID 83327
208-721-7626

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. On April 6, 2016, the Lessor filed an application to lease the water right described below into the Water Supply Bank.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to the conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHT:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water right described as follows:

Summary of Water Right or Portion Leased to the Bank

Water Right	Priority Date	Source	Tributary	Leased Rate	Annual Leased Volume	Total Leased Acres
37-7636B	6/24/1977	GROUND WATER	NA	0.16 cfs	54.0 af	18.0 ac

Lease Totals 0.16 cfs 54.0 af 18.0 ac

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2016 to December 31, 2020. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

WATER SUPPLY BANK LEASE CONTRACT

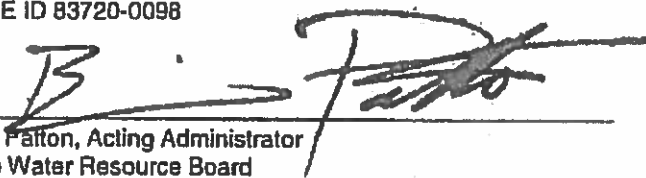
IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

KEVIN SWIGERT
621 E 200 S
FAIRFIELD ID 83327

By 
Printed Name Kevin Swigert

Date 6-5-16
Title Owner

IDAHO WATER RESOURCE BOARD
322 EAST FRONT ST
PO BOX 83720
BOISE ID 83720-0098

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 6/10/2016

Lease approved by IDWR 

Date 6-10-2016

ATTACHMENT A

WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

WATER RIGHT NO. 37-7636B

The water right or portion thereof leased to the bank is described as follows:

Lessor: KEVIN SWIGERT
621 E 200 S
FAIRFIELD ID 83327
208-721-7626

Location of Point(s) of Diversion for Water Right 37-7636B

GROUND WATER NWNENW Sec. 27, Twp 01S, Rge 15E, CAMAS County

<u>Water Right</u>	<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
37-7636B	IRRIGATION	04/01	to 11/01	0.16 cfs	54.0 af
Total:				0.16 cfs	54.0 af

Place of Use to be Idled Under This Lease: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	15E	27					11.0			7.0									18.0

Total Acres: 18.0

Conditions Applicable to Leased Water Right

1. The water right referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department, even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, nor does it improve the status of the right or accomplish the resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.

9. In accordance with Idaho Code §§ 42-248 and 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment after the following rental season.
11. The water right leased to the bank 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.
12. Use of water under this right is regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37B.
13. When combined with all other rights, the leased rights shall provide not more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

Exhibit C

DEED TO A WATER RIGHT AND ASSIGNMENT

FOR VALUE RECEIVED, Grantors KEVIN AND JENNIFER SWIGERT hereby grant, bargain, sell, and convey unto Grantee, BENNETT MOUNTAIN RANCH & FARM, LLC, an Idaho limited liability company, all of Grantor's right, title, and interest in and to the following:

Idaho Water Right No. 37-07636B

Grantors hereby further conveys and assigns to Grantee all of Grantors' right, title, and interest in and to the Water Right, together with all of Grantors' right, title, and interest in and to any interest in the June 10, 2016 Water Supply Bank Lease Contract between Grantors and the Idaho Water Resources Board.

Grantor hereby covenants to Grantee that Grantor has ceased to divert and use the Water Right and that Grantor has not conveyed, mortgaged, or pledged the Water Right to any other person or entity. Grantor makes no other guarantees or warranties as to the Water Right, its transferability, or its yield upon transfer, change, exchange, or use in a mitigation plan.

[End of Text]

TO HAVE AND TO HOLD the Water Right unto Grantee, his successors and assigns, forever.

IN WITNESS WHEREOF, Grantors have caused their names to be subscribed to this Deed to a Water Right effective this ____ day of _____ 2017.

GRANTORS:

KEVIN AND JENNIFER SWIGERT

Kevin Swigert

Jennifer Swigert

STATE OF IDAHO)
) ss.
County of _____)

On this _____ day of _____ 2017, before me, a Notary Public in and for the State of Idaho, personally appeared Kevin Swigert, known or identified to me to be the person who executed the above Deed to a Water Right and Assignment 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 first above written.

Notary Public for Idaho _____

Residing at: _____

My commission expires: _____

STATE OF IDAHO)
) ss.
County of _____)

On this _____ day of _____ 2017, before me, a Notary Public in and for the State of Idaho, personally appeared Jennifer Swigert, known or identified to me to be the person who executed the above Deed to a Water Right and Assignment and acknowledged to me that she executed the same.

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

Notary Public for Idaho _____

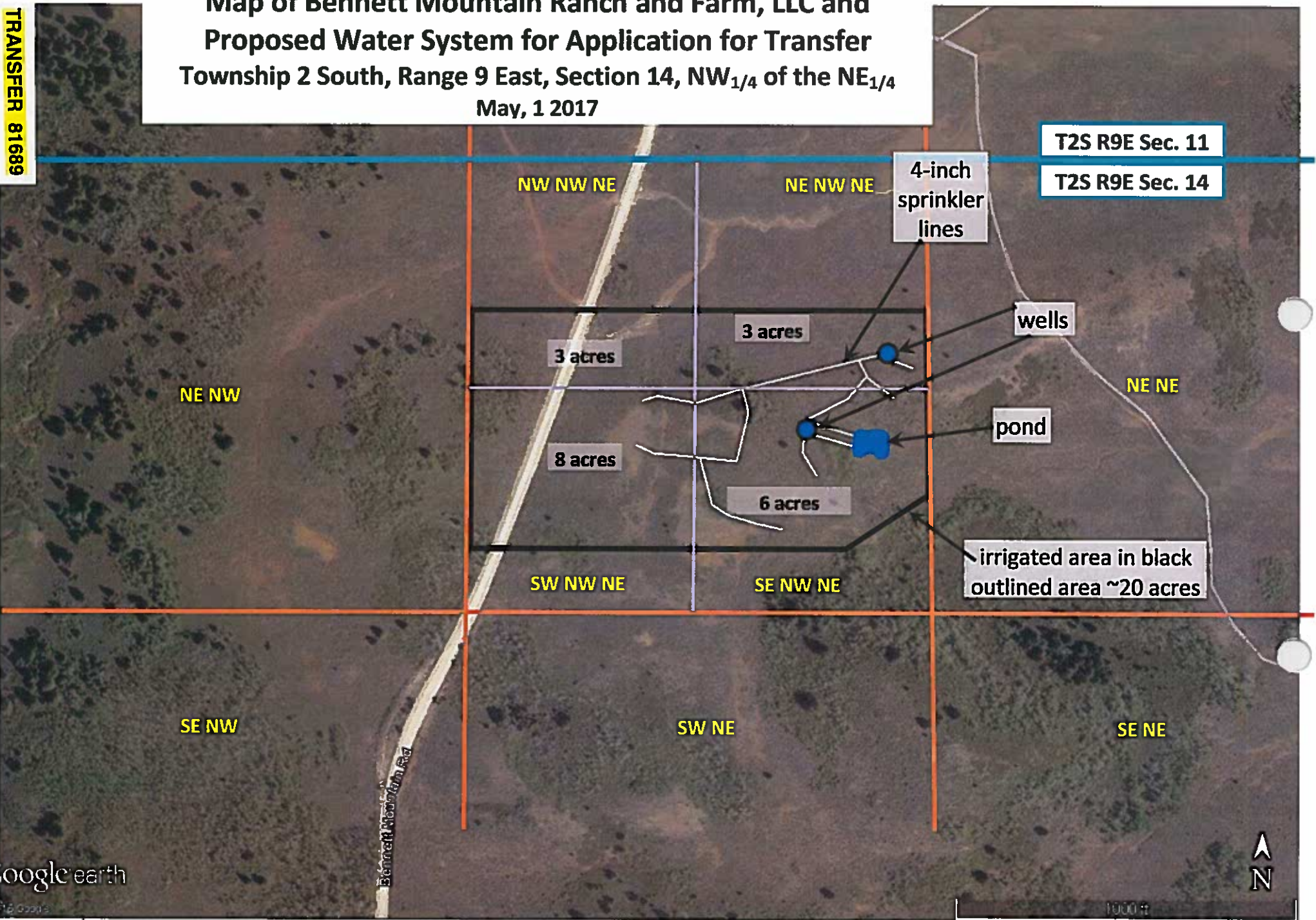
Residing at: _____

My commission expires: _____

Attachment 7a

**Map of Bennett Mountain Ranch and Farm, LLC and
Proposed Water System for Application for Transfer
Township 2 South, Range 9 East, Section 14, NW_{1/4} of the NE_{1/4}
May, 1 2017**

TRANSFER 81689



T2S R9E Sec. 11

T2S R9E Sec. 14

4-inch
sprinkler
lines

wells

pond

irrigated area in black
outlined area ~20 acres

NW NW NE

NE NW NE

NE NW

NE NE

SW NW NE

SE NW NE

SE NW

SW NE

SE NE

Map showing proposed areas of Bennett Mountain Ranch and Farm, LLC to be irrigated under transfer of decreed water right No. 37-7636B by $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ section. Total area proposed to be irrigated is 18-acres within a proposed Permissible Place of Use of 20 acres.

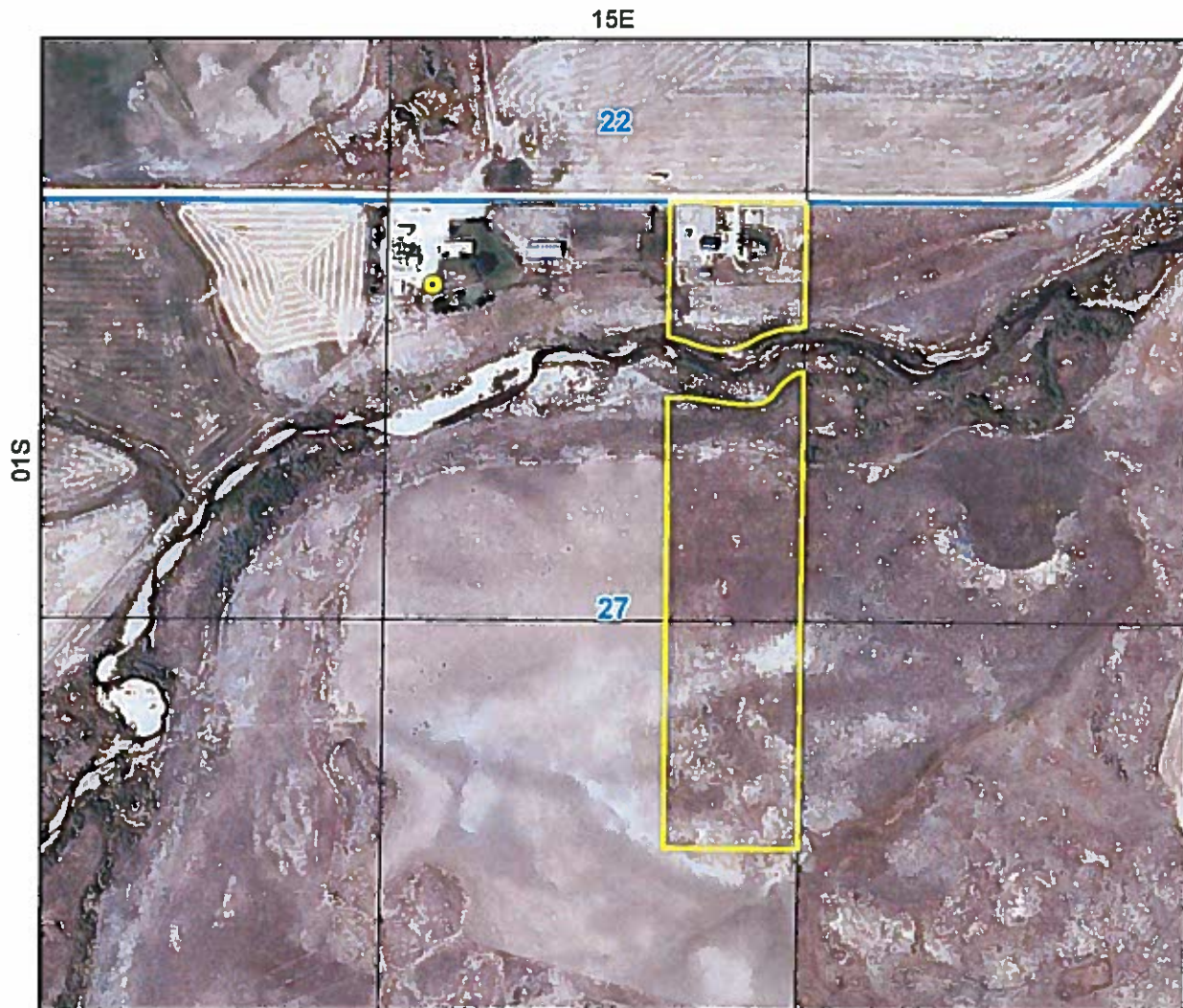
Attachment 7b

State of Idaho
Department of Water Resources

Water Right
37-7636B

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



Attachment 9

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 81689

**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	
37-07636B	12/31/2020	.16	54	18	Attached? ☒ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					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.

RECEIVED

MAY 09 2017

Form

W-9(Rev. December 2014)
Department of the Treasury
Internal Revenue Service**Request for Taxpayer Identification Number and Certification**DEPT OF WATER RESOURCES
SOUTHERN REGION

Give Form to the requester. Do not send to the IRS.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

2 Business name/disregarded entity name, if different from above
BENNETT MOUNTAIN RANCH AND FARM, LLC

3 Check appropriate box for federal tax classification; check only one of the following seven boxes:
☒ Individual/sole proprietor or single-member LLC
☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶
 Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.
☐ Other (see instructions) ▶
☐ C Corporation
☐ S Corporation
☐ Partnership
☐ Trust/estate

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
 Exempt payee code (if any) _____
 Exemption from FATCA reporting code (if any) _____
 (Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.)
1216 SOUTH LAKE POINTE WAY

6 City, state, and ZIP code
EAGLE, IDAHO 83616

7 List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number

				-			-				
--	--	--	--	---	--	--	---	--	--	--	--

or

Employer identification number

--	--	--	--	--	--	--	--	--	--	--	--

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here Signature of U.S. person ▶ **Robert D. Burr, M.D.** Date ▶ **5/5/17**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fw9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

By signing the filled-out form, you:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
- Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

No. W 165568	Due no later than Apr 30, 2017 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. BENNETT MOUNTAIN RANCH & FARM, LLC RANDALL D. BURR 1216 S LAKE POINTE WAY EAGLE ID 83616-7125		RANDALL D. BURR 1216 S LAKE POINTE WAY EAGLE ID 83616			
			3. <u>New</u> 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	Country	Postal Code
MANAGER	RANDALL D BURR	1216 S LAKE POINTE WAY	EAGLE	ID	USA	83616-7125
5. Organized Under the Laws of: ID W 165568		6. Annual Report must be signed.* Signature: Randall D. Burr Name (type or print): Randall D. Burr Date: 02/21/2017 Title: Manager				
Processed 02/21/2017		* Electronically provided signatures are accepted as original signatures.				

TRANSFER 81689



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 16, 2017

BENNETT MOUNTAIN RANCH & FARM LLC
1216 S LAKE POINT WAY
EAGLE, ID 83616

RE: Transfer No. 81689
Water Right No(s). 37-7636B

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 **CAMAS COURIER and MOUNTAIN HOME NEWS on 6/21/2017 and 6/28/2017**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **July 10, 2017**.

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 cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 16, 2017

RUSTY KRAMER
WATER DISTRICT #37B
246B S HWY 46
FAIRFIELD, ID 83327

RE: Transfer No. 81689
Water Right No(s). 37-7636B

Dear Rusty:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the water master, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Friday, June 16, 2017 8:23 AM
To: Camas Courier
Subject: LEGAL NOTICE
Attachments: Camas Courier cover letter.docx; 81689 ad.doc

Attached please find (1) legal notice being submitted for publication on June 21st & 28th, 2017. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 16, 2017

LEGAL NOTICE DEPARTMENT
CAMAS COURIER
PO BOX 339
FAIRFIELD, ID 83327

RE: Transfer No. 81689
Water Right No(s): 37-7636B

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 July 10, 2017. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Friday, June 16, 2017 8:24 AM
To: Mountain Home News
Subject: LEGAL NOTICE
Attachments: Mtn Home News cover letter.docx; 81689 ad.doc

Attached please find (1) legal notice being submitted for publication on June 21st & 28th, 2017. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline

Administrative Assistant

Idaho Dept of Water Resources, Southern Region

650 Addison Ave W, Ste 500

Twin Falls, ID 83301

(208) 736-3033

denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 16, 2017

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

RE: Transfer No. 81689
Water Right No(s): 37-7636B

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 July 10, 2017. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81689**

BENNETT MOUNTAIN RANCH & FARM LLC, 1216 S LAKE POINT WAY, EAGLE, ID 83616; has filed Application No. 81689 for changes to the following water rights within CAMAS, ELMORE County(s): Right No(s). 37-7636B; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring 18 acres (0.16 cfs) of a groundwater irrigation right from a farm located approximately 6.4 to 6.5 miles east and 2.1 to 2.6 miles south of Fairfield, to a farm located approximately 28.0 miles west and 5.8 to 6.0 miles south of Fairfield. The water right will be diverted from two existing wells located at the proposed site.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before July 10, 2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published in the Mountain Home News and Camas Courier on June 21st & 28th, 2017

TRANSFER SYNOPSIS

Date: June 14, 2017
To: Transfer 81689 File
From: Benny Walker
Re: Transfer Summary

Application proposes transferring 18 acres (0.16 cfs) of a groundwater irrigation right from a farm located approximately 6.4-6.5 miles east and 2.1-2.6 miles south of Fairfield, to a farm located approximately 28.0 miles west and 5.8-6.0 miles south of Fairfield. The water right will be diverted from two existing wells located at the proposed site. Note water right 37-7636B for irrigation is currently leased to the Water Supply Bank and upon approval of this transfer a Request to Release a Water Right from the Water Supply Bank will be filed. This application is within Water District 37B so watermaster comments will be solicited.

MEMORANDUM

TO: Transfer # 81689 File

FROM: Benny Walker

DATE: June 15, 2017

SUBJECT: Filing Fee

The filing fee of, \$200.00, for this transfer is based on the amount of water proposed to be transferred or changed, 0.16 cfs. The transfer fee schedule for a transfer involving 0.00-0.20 cfs indicates that the filing fee is \$200.00. The applicant's submitted a fee of \$200.00 for this transfer. (Receipt S036118).

Randall D. Burr
1216 S. Lake Pointe Way
Eagle, ID 83616
rdburr@cableone.net

Idaho Department of Water Resources
Southern Region
650 Addison Ave. West, Ste. 500
Twin Falls, ID 83301-5858
Attn: Nathan Erickson

RECEIVED

MAY 09 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

May 5, 2017

Re: Transfer of Water Right No. 37-0763B

7636B

Dear Mr. ~~Erickson~~ Nathan:

First of all, thank you for your previous help with my water right questions. Attached please find an Application for Transfer of Water Right No. 37-07636B that I submit on behalf of Bennett Mountain Ranch and Farm, LLC. The application consists of the following:

1. A completed signed Application for Transfer of Water Right.
2. Attachment 2a, 2b, 3 consisting of the Bennett Mountain Ranch & Farm, LLC ("Bennett Mountain") deed, and the Water Right Purchase and Sale Agreement between the Swigerts and Bennett Mountain. The deed and Purchase and Sale Agreement establish that Bennett Mountain has authority to file this application with the consent of the existing owner, and provides the necessary information to change ownership.
3. Attachment 7a consists of a map showing the proposed new place of use, points of diversion and diversion and distribution system.
4. Attachment 7b consists of a map/aerial photo that delineates the current place of use and point of diversion of the water right. If the transfer is approved, the place of use will no longer be irrigated.
5. Attachment 9 is the required completed WSB attachment to which is attached a completed IRS Form W-9. Please ensure that the Form W-9 is not included in any publicly accessed records.
6. A check made out to IDWR in the amount of \$225.00 that covers the transfer application processing fee and the ownership change fee.
7. This transmittal letter.

Should you have any questions or concerns, please contact me by email at the email address listed above. Thank you.

Sincerely,

Randall D. Burr, MD 5/5/17

Randall D. Burr

Date

Member, Bennett Mountain Ranch & Farm, LLC