

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECEIVED

MAR 29 2017

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

DEPT. OF WATER RESOURCES
SOUTHERN REGION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

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

1. APPLICANT(S) IDAHO AGRI INVESTMENTS, LLC Phone _____

2. MAILING ADDRESS PO BOX 609 City TURNER

State ME Zip 04282 Email _____

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 45-14007

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 4.96 cubic feet per second and/or 1,560 acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
NEW			NW	NE	3	12S	19E	CASSIA	GROUNDWATER	

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:

PUMP TO MAINLINE TO PIVOTS ON FIELDS. METER PLACED ON PUMP AT WELL

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

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

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

Yes No

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

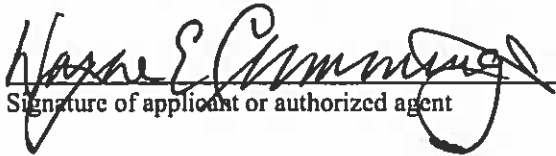
If yes, describe:

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

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

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

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



WAYNE E. CUMMINGS, MANAGER

Print name and title if applicable

3/15/17
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

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

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by Hawes

Date 3-29-2017

Fee paid \$820 Date 3-29-2017

Received by Hawes

Receipt # 5036024

Preliminary review by _____

Date _____

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

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

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

Current Water Right No.: 45-14007

Current Owner: IDAHO AGRI INVESTMENTS LLC

Priority Date: 12/23/1948

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	4.96 CFS	1560 AF
	<u>Total Diversion</u>	4.96 CFS	1560 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 3,	Twp 12S,	Rge 19E B.M.
CASSIA County				
GROUND WATER	SE1/4NW1/4	Sec. 3,	Twp 12S,	Rge 19E B.M.
CASSIA County				
GROUND WATER	SE1/4NE1/4	Sec. 3,	Twp 12S,	Rge 19E B.M.
CASSIA County				
GROUND WATER	L4(SW1/4NW1/4NW1/4)	Sec. 2,	Twp 12S,	Rge 19E B.M.
CASSIA County				

Place of Use

IRRIGATION Within CASSIA County

T12S R19E S2	Lot 4	NWNW	39.00	T12S R19E S2		SWNW	39.00
T12S R19E S3	Lot 1	NENE	39.00	T12S R19E S3	Lot 2	NWNE	39.00
T12S R19E S3		SWNE	39.00	T12S R19E S3		SENE	39.00
T12S R19E S3	Lot 3	NENW	39.00	T12S R19E S3	Lot 4	NWNW	39.00
T12S R19E S3		SWNW	39.00	T12S R19E S3		SENE	39.00

Total Acres: 390

Conditions of Approval:

1. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. E54 Use of the rights listed below is limited to a total combined annual diversion volume of 1560 af. Combined right nos.: 45-14007, 45-14009.
3. E56 Use of the rights listed below is limited to the irrigation of a combined total of 390 acres in a single irrigation season. Combined right nos.: 45-504, 45-14007, 45-14009.

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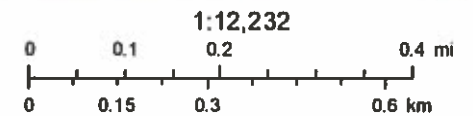
Decreed Date: 7/6/2005

Idaho Agri Investments POD Transfer

TRANSFER 81558



March 15, 2017



Source: Idaho Department of Water Resources

No. W 128676	Due no later than Aug 31, 2016 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. IDAHO AGRI INVESTMENTS LLC IDAHO AGRI INVESTMENTS, LLC PO BOX 609 TURNER ME 04282		PAUL L ARRINGTON 163 2ND AVE WEST TWIN FALLS ID 83301-5672			
			3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held MANAGER	Name WAYNE CUMMINGS	Street or PO Address PO BOX 609	City TURNER	State ME	Country USA	Postal Code 04282
5. Organized Under the Laws of: ID W 128676		6. Annual Report must be signed.* Signature: WAYNE CUMMINGS Name (type or print): WAYNE CUMMINGS Date: 06/27/2016 Title: MANAGER				
Processed 06/27/2016		* Electronically provided signatures are accepted as original signatures.				

TRANSFER 81558



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

May 12, 2017

IDAHO AGRI INVESTMENTS LLC
PO BOX 609
TURNER, ME 04282

RE: Transfer No. 81558
Water Right No(s). 45-14007

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 5/18/2017 and 5/25/2017**. 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 **June 5, 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,

Denise Maline
Administrative Assistant

cc: PAUL L ARRINGTON, ATTORNEY

Maline, Denise

From: Maline, Denise
Sent: Friday, May 12, 2017 9:30 AM
To: Brian Higgs (WD 140)
Subject: Comment Letter
Attachments: Comment Letter to WM140 for 81558.docx; Transfer 81558 Idaho Agri Investments.pdf

Hi Brian,

Attached is an application for transfer currently being processed within your district. Please review the information and provide any necessary comments within 21 days.

Thank you in advance,

Denise @ IDWR



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 12, 2017

BRIAN HIGGS
WATER DISTRICT #140
355 W 500 S
BURLEY, ID 83318

via e-mail

RE: Transfer No. 81558
Water Right No(s). 45-14007

Dear Brian:

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, May 12, 2017 8:19 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News ad.doc; Times News cover letter.docx

Attached please find (1) legal notice being submitted for publication on May 18th & ^{25th}24th, 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

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 12, 2017

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Transfer No. 81461
Water Right No(s): 36-7336

RE: Transfer No. 81465
Water Right No(s): 36-7032

RE: Transfer No. 81558
Water Right No(s): 45-14007

RE: Transfer No. 81615
Water Right No(s): 36-16810

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 June 5, 2017. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81461**

BRANDSMA FAMILY TRUST, 3424 SAGE SPRINGS RD, KIMBERLY, ID 83341; has filed Application No. 81461 for changes to the following water rights within JEROME County(s): Right No(s). 36-7336. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the point of diversion (POD) and the place of use (POU) of a 0.88 cfs and 87 acre ground water right from a farm located approximately 8.0 to 8.5 miles east and 1.25 to 1.5 miles south of the center of Jerome. This transfer will allow the irrigation of 87 acres within a 340.9 acre permissible place of use (PPU) and will move the POD to an existing well. The 340.9 acre PPU and new proposed POD is located on a farm approximately 6.5 to 7.25 miles east and 0.5 to 1.0 miles south of the center of Jerome. A companion transfer (81465) proposes to irrigate a separate 233 acres within the same proposed PPU from the same POD.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81465**

BRANDSMA FAMILY TRUST, 3424 SAGE SPRINGS RD, KIMBERLY, ID 83341; has filed Application No. 81465 for changes to the following water rights within JEROME County(s): Right No(s). 36-7032. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to create a 340.9 acre permissible place of use (PPU) and keep the existing point of diversion (POD) and place of use (POU) of a 2.56 cfs and 233 acre ground water right on a farm located approximately 6.5 to 7.25 miles east and 0.5 to 1.0 miles south of the center of Jerome. A companion transfer (81461) proposes to irrigate a separate 87 acres within the same proposed PPU from the same POD.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81558**

IDAHO AGRI INVESTMENTS LLC, PO BOX 609, TURNER, ME 04282; has filed Application No. 81558 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14007. The purpose of the transfer is to change a portion of the above rights as follows: The application proposes to add a point of diversion (POD) consisting of a new well to be drilled for a 4.96 cfs ground water right. The new well will be located on a farm located approximately 2.8 to 3.0 miles west and 5.0 to 5.2 miles south of Murtaugh.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81615**

W 4 DAIRY, 116 N RIVER ISLAND DR, RUPERT, ID 83350; has filed Application No. 81615 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-16810. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to convert a 33.6 acre portion 0.33 cfs of a ground water irrigation right located on a farm approximately 13.5 to 14.0 miles due north of the City of Rupert to stockwater and commercial use for a proposed new dairy facility, located on the same farm. The diversion of the 0.33 cfs will be from a new well to be drilled at the dairy site.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx . Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before **June 5, 2017**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on May 18th & 25th, 2017

MEMORANDUM

Date: May 9, 2017
To: Transfer 81558
From: Kent Aasa
Re: Review & Evaluation of Sufficiency of Information

The application proposes to add a point of diversion (POD) consisting of a new well to be drilled for a 4.96 cfs ground water right. This transfer application will add a single POD (for a total of 5 POD's) and does not propose any changes to the place of use (POU). The new well will be located on a farm located approximately 2.8 to 3.0 miles west and 5.0 to 5.2 miles south of Murtaugh. The proposed transfer is in Water District 140 so Watermaster comments will be solicited.

- **Authority to File:** The applicant is listed as the current owner of the water right in this transfer.
- **Water Right Validity:** Water Right 45-14007 was decreed in the SRBA on 07/06/2005. Recent aerial and satellite imagery indicate that the property involved with this transfer appears to be irrigated.
- **Injury to Other Water Rights:** None anticipated.
- **Enlargement of Use:** None anticipated.
- **Local Public Interest:** No issues anticipated. Application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:** Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:** None Anticipated
- **Effect of the Agricultural Base of the Area:** None Anticipated

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.



MEMORANDUM

Date: May 03, 2017
To: Transfer 81558 File
From: Kent Aasa
Re: Fee Evaluation

Filing fee of \$820.00 for transfer application 81558 is based on the amount of water (4.960 cfs) proposed to be transferred or changed. The water right associated with the transfer is limited to irrigation of a 390 acre POU. The filing fee is based on the current transfer fee schedule for 4.960 cfs. Receipt No.S036024 reflects the fee of \$820.00 paid on 03/29/2017.

Skinner, Corey

From: Paul Arrington <pla@idahowaters.com>
Sent: Monday, April 03, 2017 8:31 AM
To: Skinner, Corey
Subject: Idaho Agri Investment Transfer

Corey:

As we discussed on the phone, this email confirms that the IAI Transfer should include the 4 POD's existing on the water right plus the new POD (5 total).

Thanks, Paul

Paul L. Arrington
Barker Rosholt & Simpson LLP
163 Second Ave. West
P.O. Box 63
Twin Falls, Idaho 83303
(208) 733-0700 - telephone
(208) 404-9436 - mobile
(208) 735-2444 - facsimile

CONFIDENTIALITY NOTICE: This e-mail and its attachments are confidential and may be privileged. If you believe this e-mail has been sent to you in error, please notify the sender immediately and delete this email. Do not deliver, distribute or copy this transmission.

*Albert P. Barker
John A. Rosholt
John K. Simpson
Travis L. Thompson
Shelley M. Davis
Paul L. Arrington
Scott A. Magnuson*



163 2nd Avenue West
Post Office Box 63
Twin Falls, Idaho 83303-0063
(208) 733-0700 telephone
(208) 735-2444 facsimile

1010 W. Jefferson St., Suite 102
Post Office Box 2139
Boise, Idaho 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

March 27, 2017

RECEIVED

MAR 29 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

Idaho Department of Water Resources
Southern Region Office
650 Addison Ave. West, Ste. 500
Twin Falls, ID 83301

Re: Application for Transfer of Water Right (45-14007)

To Whom It May Concern:

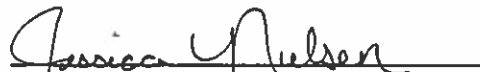
Enclosed, please find the original *Application for Transfer of Water Right* from Idaho Agri Investments, LLC regarding Water Right No. 45-14007.

Also enclosed, please find check number 1062 in the amount of \$820.00 for the associated filing fee.

Please e-mail a copy of the first page of the filed *Application* and receipt of payment to jf@idahowaters.com.

Should you have any questions, please contact our office at (208) 733-0700.

Thank you,


Jessica Nielsen
Assistant for Paul L. Arrington

Enclosures
PLA/jn