

DEC 14 2016

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 81139**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be 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 <http://www.idwr.idaho.gov/>.

Name of Applicant(s) RED ROCK FARMS LLC**Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.****Yes N/A** *Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☒ ☐ #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 transfer 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).
- ☐ ☒ #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 <http://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.
- ☐ ☒ #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.)
- ☐ ☒ #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 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 14 2016

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

DEPT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant RED ROCK FARMS LLC Phone (208) 645-2361
Mailing Address 2038 S HWY 81, MALTA ID 83342 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it Attachment #1.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it Attachment #2a.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it Attachment #2b.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it Attachment #3.

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

☒ No Representative

Name of Representative _____ 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.

Posanne Pex Posanne Pex V.P. 12-14-2016
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.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	43-2444	Yes	Yes	Yes	No	No	No
	43-2447A	Yes	Yes	Yes	No	No	No
	43-2448A	Yes	Yes	Yes	No	No	No
	43-13543	No	No	Yes	No	No	No
	43-13605	No	No	Yes	No	No	No

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

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

Application for transfer proposes splitting of 11.5 acres from water rights 43-2447A and 43-2448A and 50 acres from water right 43-2444 and moving the split portions to an existing farm to increase the irrigated acres on that farm. PPU for 43-2447A and 43-2448A will be changed from a permissible place of use (PPU) to a place of use (POU) and will reflect actual acres authorized for irrigation (500).

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
43-13774	0.120 cfs	23.0 af	11.5	525.5	43-2447A	5.160 cfs	1033.0 af	252.5	500.0
43-13775	0.110 cfs	23.0 af	11.5	525.5	43-2448A	5.100 cfs	1033.0 af	252.5	500.0
43-13543	1.710 cfs	N/A	142.7	525.5		N/A	N/A	N/A	N/A
43-13605	7.020 cfs	1485.2 af	371.3	525.5		N/A	N/A	N/A	N/A
43-13783	0.940 cfs	200.0 af	50.0	525.5	43-2444	3.980 cfs	852.0 af	N/A	213.0

**COMBINED
TOTALS**

8.190 cfs 1,731.2 af 525.5 525.5 N/A N/A N/A N/A

2. Total amount of water proposed to be transferred or changed 8.19 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

IDaho DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 1 Unchanged Portion After Requested Changes

Original Water Right No. 43-2447A

Current Water Right Owner
 RED ROCK FARMS LLC
 2038 S HWY 81
 MALTA, ID 83342

Priority Date: 7/26/1956

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	5.160 CFS	1033.0 AFA	
Total Diversion			5.160 CFS	1033.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NWNWSW	Sec. 14 Twp 13S Rge 27E CASSIA County
GROUND WATER	NENESW	Sec. 15 Twp 13S Rge 27E CASSIA County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	15	31.0	31.0	31.0	31.0	32.0	31.0	31.0	32.0	32.0	32.0	30.0	31.0	32.0	32.0	31.0	30.0	500.0
Right Acre Limit:						252.5													
POU Total Acres:						500.0													

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Split Portion After Requested Changes

Proposed Water Right No. 43-13774

(Original Water Right No. 43-2447A)

Current Water Right Owner
RED ROCK FARMS LLC
 2038 S HWY 81
 MALTA, ID 83342

Priority Date: 7/26/1956

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.120 CFS	23.0 AFA	
Total Diversion			0.120 CFS	23.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SESESE	Sec. 16 Twp 14S Rge 27E	CASSIA County
GROUND WATER	SWSESW	Sec. 16 Twp 14S Rge 27E	CASSIA County
GROUND WATER	SWSWSW	Sec. 16 Twp 14S Rge 27E	CASSIA County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	27E	16	32.0	32.0	37.0	31.0	32.0	32.0	31.0	36.0	37.0	32.0	30.0	31.0	32.0	37.5	32.0	31.0	525.5

Right Acre Limit: 11.5

POU Total Acres: 525.5

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Unchanged Portion After Requested Changes

Original Water Right No. 43-2448A

Current Water Right Owner RED ROCK FARMS LLC
 2038 S HWY 81
 MALTA, ID 83342

Priority Date: 7/26/1956

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	5.100 CFS	1033.0 AFA	
Total Diversion			5.100 CFS	1033.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NWNWSW	Sec. 14 Twp 13S Rge 27E CASSIA County
GROUND WATER	NENESW	Sec. 15 Twp 13S Rge 27E CASSIA County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	15	31.0	31.0	31.0	31.0	32.0	31.0	31.0	32.0	32.0	32.0	30.0	31.0	32.0	32.0	31.0	30.0	500.0

Right Acre Limit: 252.5

POU Total Acres: 500.0

IDaho DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Split Portion After Requested Changes

Proposed Water Right No. 43-13775

(Original Water Right No. 43-2448A)

Current Water Right Owner
RED ROCK FARMS LLC
2038 S HWY 81
MALTA, ID 83342

Priority Date: 7/26/1956

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	0.110 CFS	23.0 AFA	
Total Diversion			0.110 CFS	23.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SESESE	Sec. 16 Twp 14S Rge 27E CASSIA County
GROUND WATER	SWSESW	Sec. 16 Twp 14S Rge 27E CASSIA County
GROUND WATER	SWSWSW	Sec. 16 Twp 14S Rge 27E CASSIA County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	27E	16	32.0	32.0	37.0	31.0	32.0	32.0	31.0	36.0	37.0	32.0	30.0	31.0	32.0	37.5	32.0	31.0	525.5

Right Acre Limit: 11.5

POU Total Acres: 525.5

**HO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 43-13543

Current Water Right Owner
RED ROCK FARMS LLC
2038 S HWY 81
MALTA, ID 83342

Priority Date: 6/30/1985

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	1.710 CFS	
Total Diversion			1.710 CFS	

Source and Point(s) of Diversion:

GROUND WATER	SESESE	Sec. 16 Twp 14S Rge 27E CASSIA County
GROUND WATER	SWSESW	Sec. 16 Twp 14S Rge 27E CASSIA County
GROUND WATER	SWSWSW	Sec. 16 Twp 14S Rge 27E CASSIA County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	27E	16	32.0	32.0	37.0	31.0	32.0	32.0	31.0	36.0	37.0	32.0	30.0	31.0	32.0	37.5	32.0	31.0	525.5

Right Acre Limit: 142.7

POU Total Acres: 525.5

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 43-13605

Current Water Right Owner
 RED ROCK FARMS LLC
 2038 S HWY 81
 MALTA, ID 83342

Priority Date: 8/26/1953

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	7.020 CFS	1485.2 AFA	
Total Diversion			7.020 CFS	1485.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SESESE	Sec. 16 Twp 14S Rgc 27E	CASSIA County
GROUND WATER	SWSESW	Sec. 16 Twp 14S Rgc 27E	CASSIA County
GROUND WATER	SWSWSW	Sec. 16 Twp 14S Rgc 27E	CASSIA County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	27E	16	32.0	32.0	37.0	31.0	32.0	32.0	31.0	36.0	37.0	32.0	30.0	31.0	32.0	37.5	32.0	31.0	525.5
Right Acre Limit:						371.3													
POU Total Acres:						525.5													

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Split Portion After Requested Changes**

Proposed Water Right No. 43-13783

(Original Water Right No. 43-2444)

Current Water Right Owner
RED ROCK FARMS LLC
2038 S HWY 81
MALTA, ID 83342

Priority Date: 5/10/1956

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	11/01	0.940 CFS	200.0 AFA	
Total Diversion			0.940 CFS	200.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SESESE	Sec. 16 Twp 14S Rge 27E CASSIA County
GROUND WATER	SWSESW	Sec. 16 Twp 14S Rge 27E CASSIA County
GROUND WATER	SWSWSW	Sec. 16 Twp 14S Rge 27E CASSIA County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	27E	16	32.0	32.0	37.0	31.0	32.0	32.0	31.0	36.0	37.0	32.0	30.0	31.0	32.0	37.5	32.0	31.0	525.5
Right Acre Limit:			50.0																
POU Total Acres:			525.5																

**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
Exiting wells, lines and pivots will be used to divert water. Meters will be installed as required by
IDWR.

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?
No, ☒ 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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
61.5 acres will be dried up.

e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
Rights 43-13543 and 43-13605 are currently appurtenant to ground within the proposed PPU.

f. 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:

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

Current Water Right No. 43-2447A

Current Water Right Owner
RED ROCK FARMS LLC
2038 S HWY 81
MALTA, ID 83342

Priority Date: 7/26/1956

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	5.280 CFS	1056.0 AFA	
Total Diversion			5.280 CFS	1056.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NENESW	Sec. 15 Twp 13S Rge 27E CASSIA County
GROUND WATER	NWNWSW	Sec. 14 Twp 13S Rge 27E CASSIA County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	15	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0
Right Acre Limit:			264.0																
POU Total Acres:			528.0																

Conditions/Remarks:

1. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 264 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. 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. USE OF THIS RIGHT WITH RIGHT NO. 43-2448A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.86 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2046 AF.
4. USE OF THIS RIGHT WITH RIGHT NO. 43-2448A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 511.5 ACRES IN A SINGLE IRRIGATION SEASON.

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

Current Water Right No. 43-2448A

Current Water Right Owner
RED ROCK FARMS LLC
2038 S HWY 81
MALTA, ID 83342

Priority Date: 7/26/1956

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	5.210 CFS	1056.0 AFA	
Total Diversion			5.210 CFS	1056.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NENESW	Sec. 15 Twp 13S Rge 27E CASSIA County
GROUND WATER	NWNWSW	Sec. 14 Twp 13S Rge 27E CASSIA County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	15	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0
Right Acre Limit:			264.0																
POU Total Acres:			528.0																

Conditions/Remarks:

1. USE OF THIS RIGHT WITH RIGHT NO. 43-2447A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 511.5 ACRES IN A SINGLE IRRIGATION SEASON.
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 OCTOBER 31 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. 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.
4. USE OF THIS RIGHT WITH RIGHT NO. 43-2447A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.86 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2046 AF.
5. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 264 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

Current Water Right No. 43-13543

Current Water Right Owner
RED ROCK FARMS LLC
2038 S HWY 81
MALTA, ID 83342

Priority Date: 6/30/1985

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	1.710 CFS	
Total Diversion			1.710 CFS	

Source and Point(s) of Diversion:

GROUND WATER	SWSWSW	Sec. 16 Twp 14S Rge 27E CASSIA County
GROUND WATER	SWSESW	Sec. 16 Twp 14S Rge 27E CASSIA County
GROUND WATER	SESESE	Sec. 16 Twp 14S Rge 27E CASSIA County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	27E	16	31.0	32.0	32.0	33.0	32.0	32.0	32.0	31.0	32.0	33.0	35.0	30.0	31.0	33.0	33.0	32.0	514.0
Right Acre Limit:			142.7																
POU Total Acres:			514.0																

Conditions/Remarks:

1. Use of this right with Right No. 43-13605 is limited to a total combined diversion rate of 7.02 cfs and to a total combined annual diversion volume of 1485.2 af.
2. This right is limited to the irrigation of 142.7 acres within the place of use described above in a single irrigation season.
3. Use of this right with Right No. 43-13605 is limited to the irrigation of a combined total of 514.0 acres in a single irrigation season.
4. 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.
5. This right is an expansion of Right No. 43-13605 pursuant to Section 42-1416B, Idaho Code.

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

Current Water Right No. 43-13605

Current Water Right Owner
RED ROCK FARMS LLC
2038 S HWY 81
MALTA, ID 83342

Priority Date: 8/26/1953

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	7.020 CFS	1485.2 AFA	
Total Diversion			7.020 CFS	1485.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWSESW	Sec. 16 Twp 14S Rge 27E CASSIA County
GROUND WATER	SESESE	Sec. 16 Twp 14S Rge 27E CASSIA County
GROUND WATER	SWSWSW	Sec. 16 Twp 14S Rge 27E CASSIA County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	27E	16	31.0	32.0	32.0	33.0	32.0	32.0	32.0	31.0	32.0	33.0	35.0	30.0	31.0	33.0	33.0	32.0	514.0
Right Acre Limit:			371.3																
POU Total Acres:			514.0																

Conditions/Remarks:

1. This right is limited to the irrigation of 371.3 acres within the place of use described above in a single irrigation season.
2. Right No. 43-13543 is an expansion of this right pursuant to Section 42-1416B, Idaho Code.
3. Use of this right with Right No. 43-13543 is limited to a total combined diversion rate of 7.02 cfs and to a total combined annual diversion volume of 1485.2 af.
4. Use of this right with Right No. 43-13543 is limited to the irrigation of a combined total of 514.0 acres in a single irrigation season.
5. 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.

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2B

IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES



Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed.

Right Number: 43-2444[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acrea irrigated per 1/4 1/4 tract.)

[illegible]

Total Acres (for irrigation use) 50 Acres Transferred

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

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

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**. 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. Label it **Attachment #7b**. 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.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ 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**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

1. 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.:

FOR DEPARTMENT USE ONLY

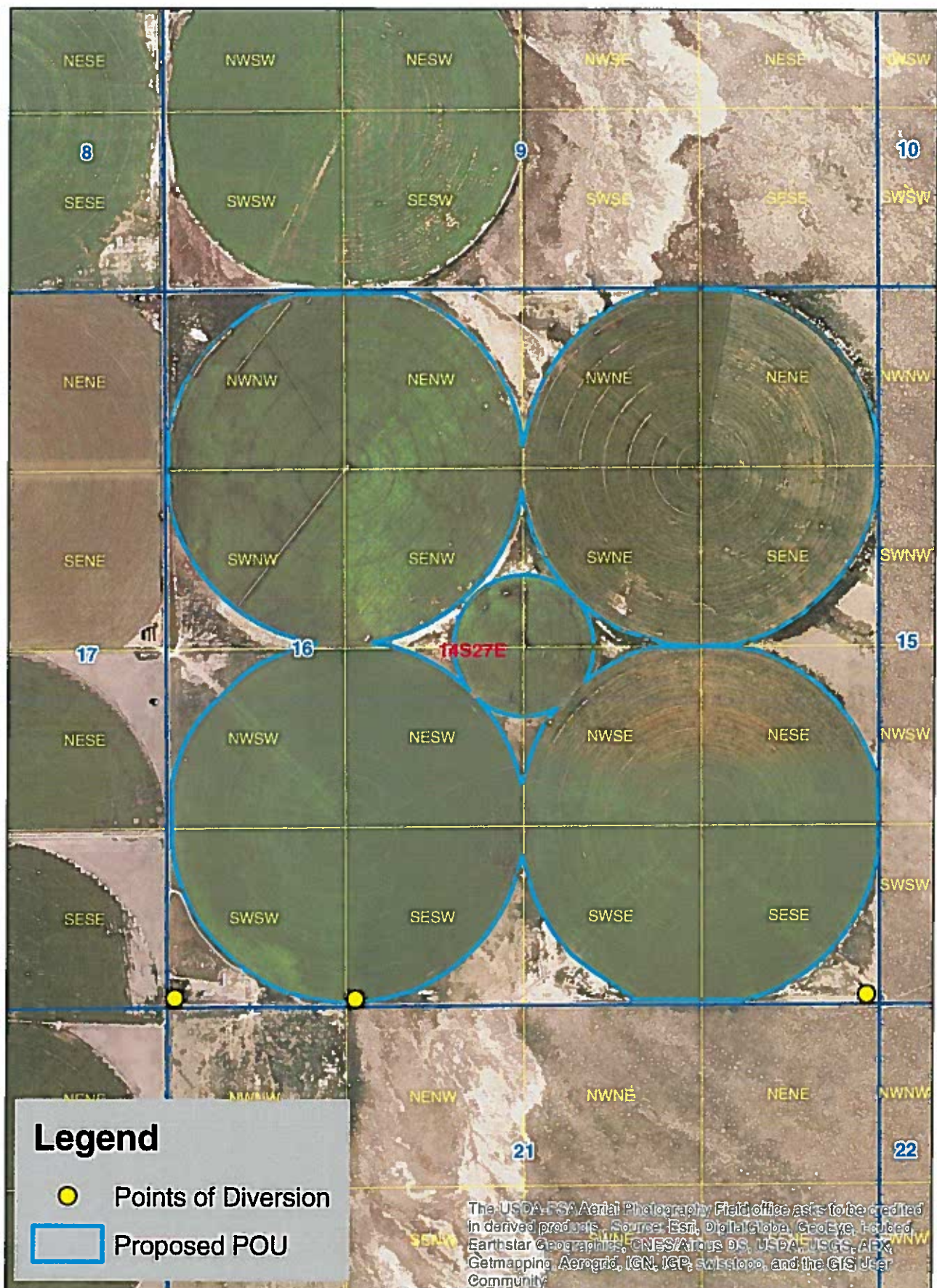
Transfer Contains 21 pages and 5 attachments.

Received By _____ Date 12-14-2016 Prelim. Check By _____ Date _____

Fee Paid \$580- Date 12-14-2016 Received By AW Receipt # 5035847

Add'l Fee Paid	Date	Received By	Receipt #

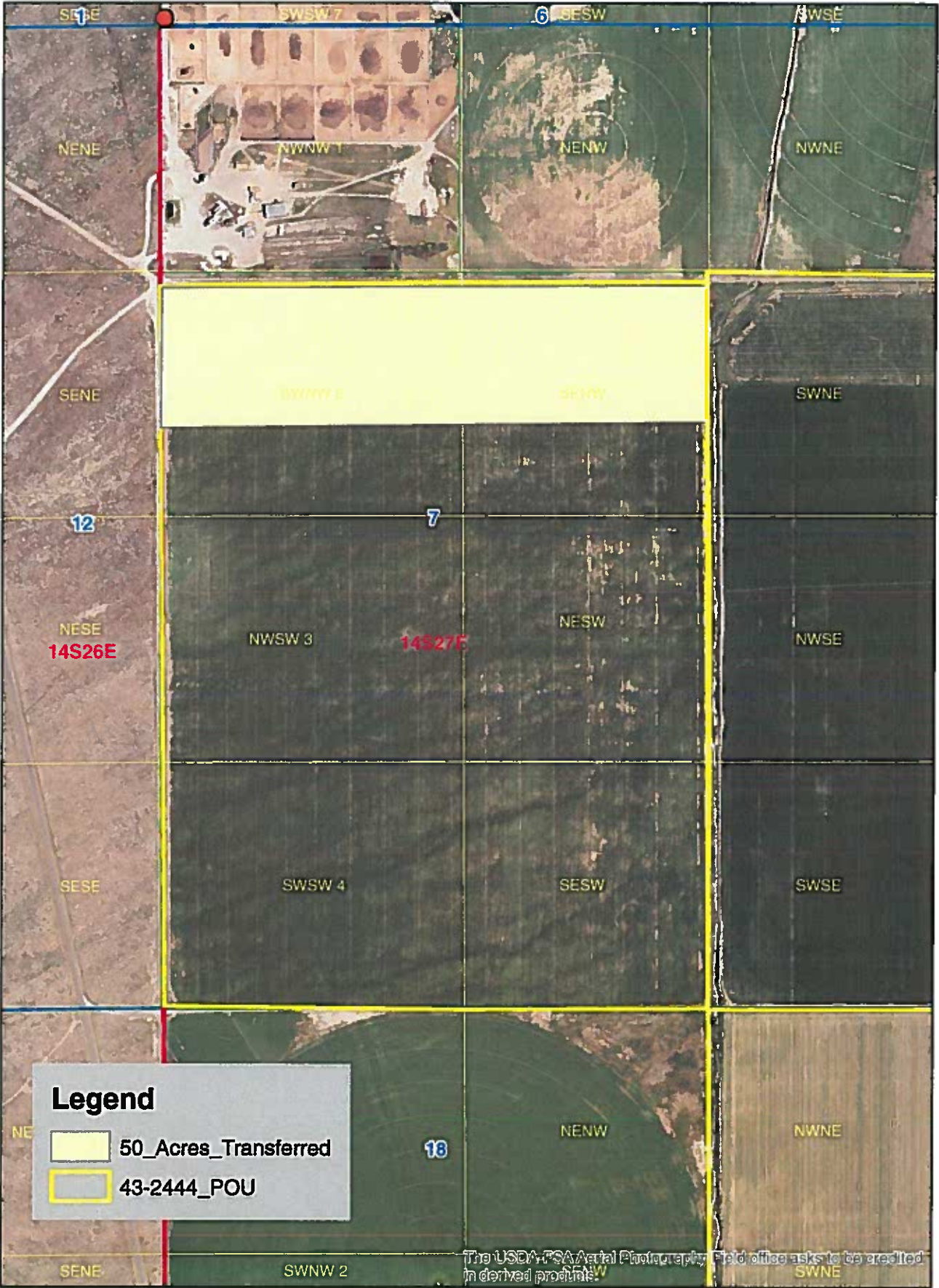
Attachment 7A(1): Proposed PCU and PODs



Attachment 7A(2): Portion Being Transferred



Attachment 7A(3): Portion of 43-2444 Being Transferred



Attachment 7B: Current POU



No. W 107536		Due no later than Oct 31, 2015		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. RED ROCK FARMS, LLC ROSANNE REX 2038 S HWY 81 MALTA ID 83342		JOSEPH L. MORTON III 132 SW 5TH AVE STE 150 MERIDIAN ID 83642	
				3. New Registered Agent Signature: *	
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.					
Office Held	Name	Street or PO Address	City	State	Country Postal Code
MANAGER	PETER J GRUSH	2025 S HWY 81	MALTA	ID	USA 83342
MANAGER	SYLVIA T GRUSH	2025 S HWY 81	MALTA	ID	USA 83342
MANAGER	ROSANNE REX	2038 S HWY 81	MALTA	ID	USA 83342
5. Organized Under the Laws of: NV W 107536		6. Annual Report must be signed.* Signature: Rosanne Rex Name (type or print): Rosanne Rex Date: 08/17/2015 Title: Vice President			
Processed 08/17/2015		* Electronically provided signatures are accepted as original signatures.			



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

January 12, 2017

NATHAN ERICKSON
WATER DISTRICT #143
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

Via hand delivery

RE: Transfer No. 81139
Water Right No(s). 43-13543, 43-13605, 43-2444, 43-2447A, 43-2448A

Dear Nathan:

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 watermaster, 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)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 12, 2017

RED ROCK FARMS LLC
2038 S HWY 81
MALTA, ID 83342

RE: Transfer No. 81139
Water Right No(s). 43-13543, 43-13605, 43-2444, 43-2447A, 43-2448A

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 1/19/2017 and 1/26/2017**. 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 **February 6, 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 black ink that reads "Denise Maline".

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Thursday, January 12, 2017 12:40 PM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.doc

Attached please find (1) legal notice being submitted for publication on January 19th & 26th, 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

January 12, 2017

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Transfer No. 81139
Water Right No(s): 43-13543, 43-13605, 43-2444, 43-2447A, 43-2448A

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 February 6, 2017. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81139**

RED ROCK FARMS LLC, 2038 S HWY 81, MALTA, ID 83342; has filed Application No. 81139 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13543, 43-13605, 43-2444, 43-2447A, 43-2448A; 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 for transfer proposes moving a combined 0.21 cfs, 11.5 acre portion from two ground water rights from a farm and moving a 0.94 cfs, 50 acre portion of a ground water right from a second farm to a third farm located approximately 7.0 to 8.0 miles south and 2.8 to 3.8 miles east of Malta. The transferred water from the first two farms will be combined with two other ground water rights on the third farm to create a 525.5 acre permissible place of use and will allow a combined diversion of up to 8.17 cfs from three existing wells. The 11.5 acre portion proposed to be transferred is currently used on a farm located approximately 1.0 to 2.0 miles south and 3.8 to 4.8 miles east of Malta. The 50 acre portion proposed to be transferred is currently used on a farm located approximately 6.02 to 7.0 miles south and 0.75 to 1.3 miles east of Malta.

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 **February 6, 2017**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on January 19th & 26th, 2017

MEMORANDUM

Date: December 22, 2016
To: Transfer 81139 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes moving a combined 0.21 cfs, 11.5 acre portion from two ground water rights (43-2447A; 0.12 cfs and 43-2448A; 0.11 cfs) on one farm and a 0.940 cfs, 50 acre portion from water right 43-2444 from a second farm to an existing third farm. The transferred water is proposed to be diverted from three existing wells. The transfer also proposes reducing the permissible place of use (PPU) for water rights 43-2447A and 43-2448A from 528 acres to 500 acres to match the remaining combined acre limit for those water rights. Proposed PODs and POU are located approximately 7.0 to 8.0 miles south and 2.8 to 3.8 miles east of Malta. The 11.5 acre portion proposed to be transferred is currently used on a farm located approximately 1.0 to 2.0 miles south and 3.8 to 4.8 miles east of Malta. The 50 acre portion proposed to be transferred is currently used on a farm located approximately 6.2 to 7.0 miles south and 0.75 to 1.3 miles east of Malta. Transferred water is being moved in to offset expansion acres under water right 43-13543 that will be dried up in 2017 irrigation season (47.6 acres dried up in 2017; 142.7 dried up over three years) and to cover 11.5 acres of ground that had been irrigated in excess of acre limits on existing water rights on that farm. The PPU on this farm will only increase by 11.5 acres (from 514.0 to 525.5 acres) as a result of the transfer.

Overlap analysis indicates there is no overlap with other irrigation water rights at the current and proposed POUs. All PODs and POUs are located in the Raft River Critical Ground Water Management Area and Water District 143. Watermaster comments will be solicited.

- **Authority to File:** IRWR records indicate the applicant currently owns all water rights and properties involved in the transfer.
- **Water Right Validity:** All water rights in the transfer were decreed in the SRBA on 6/28/2002. Recent aerial photography indicates that the properties associated with this transfer appear irrigated.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.

- **Local Public Interest:**
No issues anticipated.
- **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 on Agricultural Base of the Local Economy:**
None Anticipated.

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

MEMORANDUM

Date: December 22, 2016
To: Transfer 81139 File
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #81139 were based on the on the current transfer fee schedule and the proportional increase in POU size. 1.17 cfs is being transferred in the application and the proportional increase in the size of the PPU is 2.2%, which is equivalent to 0.15 cfs. Therefore: $0.15 \text{ cfs} + 1.17 \text{ cfs} = 1.32 \text{ cfs}$, making the total fee for this transfer \$580.00 (Receipt No. S035847).