

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 81327

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED

DEC 05 2016

An application for transfer must be prepared in accordance with the minimum requirements listed below to be accepted for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional information are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Juniper Station Farm, LLC

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

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

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the 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

Name of Applicant(s) Juniper Station Farm, LLCPhone 206-349-5599Mailing address 3350 W. Americana Terrace, Ste. 340, Boise, ID 83706Email meisenman@alliantms.com

- ☐ 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 Charles Honsinger, Honsinger Law, PLLCPhone 208-863-6106Mailing address P.O. Box 517, Boise, ID 83701Email honsingerlaw@gmail.com

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

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

Signature of Applicant or Authorized Representative

Michael Eisenman, Manager
Print Name and Title if applicable

Date

12/5/16

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use

☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
These three water rights will be transferred from a point of diversion and place of use inside the Cinder Cone Critical Groundwater Area, to a location outside of the Critical Groundwater Area.

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
☒ ☐	61-7283A	1.50 cfs	Irrigation	03/15 to 11/15	Groundwater
☒ ☐	61-11966	0.60 cfs	Irrigation	03/15 to 11/15	Groundwater
☒ ☐	61-12133	0.92 cfs	Irrigation	03/15 to 11/15	Groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 3.02 cfs and/or 679.5 acre-feet.

2. Total amount of water proposed to be transferred or changed 3.02 cubic feet per second and/or 679.5 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 #
Yes			NW	NE	15	1S	4E	Elmore	Groundwater	
			NE	NE	15	1S	4E	Elmore	Groundwater	
			SE	NE	15	1S	4E	Elmore	Groundwater	

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	
1S	4E	15	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
Total Acres (for irrigation use)																			151

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:

Well(s) shall be constructed to between 100 and 800 feet in depth to divert water into a single distribution system. Measuring devices and works shall be accommodated.

- b. Who owns the property at the point(s) of diversion? Juniper Station Properties, LLC.

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien: _____

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 lands shall cease to 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:

- 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:

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

Current Water Right No.: 61-7283A

Current Owner: EISENMAN FAMILY TRUST

Priority Date: 8/23/1976

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

03/15 to 11/15

1.5 CFS

337.5 AF

Total Diversion

1.5 CFS

337.5 AF

Location of Point(s) of Diversion

GROUND WATER

NW1/4SW1/4NW1/4

Sec. 11, Twp 02S, Rge 04E B.M.

ELMORE County

Place of Use

IRRIGATION Within ELMORE County

T02S R04E S10	NENE	40.00	T02S R04E S10	NWNE	40.00
T02S R04E S10	SWNE	40.00	T02S R04E S10	SENE	40.00
T02S R04E S11	NENE	40.00	T02S R04E S11	NWNE	40.00
T02S R04E S11	SWNE	40.00	T02S R04E S11	SENE	40.00
T02S R04E S11	NENW	40.00	T02S R04E S11	NWNW	40.00
T02S R04E S11	SWNW	40.00	T02S R04E S11	SENW	40.00
T02S R04E S11	NESW	40.00	T02S R04E S11	NWSW	40.00
T02S R04E S11	SWSW	40.00	T02S R04E S11	SESW	40.00
T02S R04E S12	NENW	40.00	T02S R04E S12	NWNW	40.00
T02S R04E S12	SWNW	40.00	T02S R04E S12	SENW	40.00
T02S R04E S12	NESW	40.00	T02S R04E S12	NWSW	40.00
T02S R04E S12	SWSW	40.00	T02S R04E S12	SESW	40.00

Total Acres: 960

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. 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.
4. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
5. X38 Right 61-11966 is also diverted through the point of diversion described above.
6. X27 This right is limited to the irrigation of 75 acres within the place of use described above in a single irrigation season.

Decreed Date: 10/26/2000

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

Current Water Right No.: 81-11966

Current Owner: EISENMAN FAMILY TRUST

Priority Date: 12/16/1975

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

03/15 to 11/15

0.6 CFS

135 AF

Total Diversion

0.6 CFS

135 AF

Location of Point(s) of Diversion

GROUND WATER

NW1/4SW1/4NW1/4

Sec. 11, Twp 02S, Rge 04E B.M.

ELMORE County

Place of Use

IRRIGATION Within ELMORE County

T02S R04E S10	NENE	40.00	T02S R04E S10	NWNE	40.00
T02S R04E S10	SWNE	40.00	T02S R04E S10	SENE	40.00
T02S R04E S11	NENE	40.00	T02S R04E S11	NWNE	40.00
T02S R04E S11	SWNE	40.00	T02S R04E S11	SENE	40.00
T02S R04E S11	NENW	40.00	T02S R04E S11	NWNW	40.00
T02S R04E S11	SWNW	40.00	T02S R04E S11	SENW	40.00
T02S R04E S11	NESW	40.00	T02S R04E S11	NWSW	40.00
T02S R04E S11	SWSW	40.00	T02S R04E S11	SESW	40.00
T02S R04E S12	NENW	40.00	T02S R04E S12	NWNW	40.00
T02S R04E S12	SWNW	40.00	T02S R04E S12	SENW	40.00
T02S R04E S12	NESW	40.00	T02S R04E S12	NWSW	40.00
T02S R04E S12	SWSW	40.00	T02S R04E S12	SESW	40.00

Total Acres: 960

Conditions of Approval:

1. X27 This right is limited to the irrigation of 30 acres within the place of use described above in a single irrigation season.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. X36 Right 61-7283A is also diverted through the point of diversion described above.
5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
6. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Decreed Date: 10/26/2000

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

Current Water Right No.: 81-12133

Current Owner: JUNIPER STATION PROPERTIES LLC

Priority Date: 12/16/1975

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	0.1 CFS	22.5 AF
	<u>Total Diversion</u>	0.92 CFS	207 AF

Location of Point(s) of Diversion

GROUND WATER

ELMORE County

SE1/4SW1/4NW1/4

Sec. 11, Twp 02S, Rge 04E B.M.

Place of Use

IRRIGATION Within ELMORE County

T02S R04E S11	NENW	40.00	T02S R04E S11	NWNW	40.00
T02S R04E S11	SWNW	40.00	T02S R04E S11	SENE	40.00
Total Acres: 160					

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. 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.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. X27 This right is limited to the irrigation of 46 acres within the place of use described above in a single irrigation season.
5. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
6. X35 Rights 61-7283A, 61-11966 and 61-12133 when combined shall not exceed the irrigation of 151 acres in a single irrigation season.
7. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. X36 Rights 61-7283A and 61-11966 are also diverted through the point of diversion described above.

Decreed Date: 10/26/2000

WATER RIGHT QUITCLAIM DEED

GRANTOR, EISENMAN FAMILY TRUST, a trust organized and existing pursuant to the laws of the State of Idaho, for a good and valuable consideration, the receipt whereof is hereby acknowledged, does hereby REMISE, RELEASE and forever QUITCLAIM, unto JUNIPER STATION FARM, LLC, an Idaho limited liability company, as GRANTEE, and to GRANTEE'S successors, heirs and assigns, forever, all of its interest in the following described real estate situate in the County of Elmore, State of Idaho, to-wit:

WATER RIGHT NO. 61-7283A and WATER RIGHT NO. 61-11966, BOTH OF WHICH ARE FURTHER DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "A".

TOGETHER with all tenements, hereditaments and appurtenances thereunto belonging.

IN WITNESS WHEREOF, GRANTOR'S trustees have hereunto set their hand as follows:

Eisenman Family Trust
Michael Eisenman 3/10/16
By: Michael Eisenman, Trustee Date
Kathryn Marie 3-16-16
By: Kathryn Marie, Trustee Date
Rebecca Carson-Eisenman 3/11/16
By: Rebecca Carson-Eisenman, Trustee Date

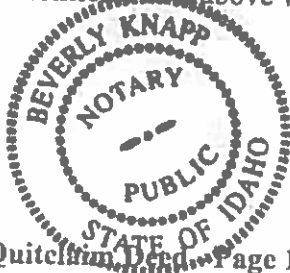
STATE OF IDAHO

County of Ada

)
) ss.
)

On this 14 day of March, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Michael Eisenman, known or proven to me to be a trustee of the EISENMAN FAMILY TRUST whose name is subscribed to the foregoing instrument, and acknowledged to me that such trust executed the same.

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



Beverly Knapp
Notary Public for

Residence: Idaho

My commission expires: 08/11/18

Water Right Quitclaim Deed Page 1

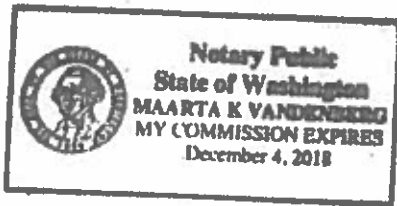
Attachment 2A

81827

STATE OF WASHINGTON)
) ss.
County of San Juan)

On this 16th day of MARCH, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Kathryn Marie, known or proven to me to be a trustee of the EISENMAN FAMILY TRUST whose name is subscribed to the foregoing instrument, and acknowledged to me that such trust executed the same.

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

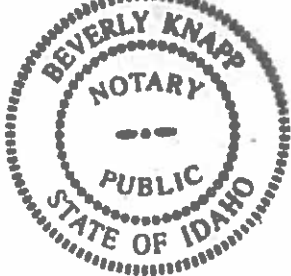


[Signature]
Notary Public for WASHINGTON
Residence: YACHTSMOND WA 98245
My commission expires: DEC. 4, 2018

STATE OF IDAHO)
) ss.
County of Ada)

On this 16th day of March, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Rebecca Carson-Eisenman, known or proven to me to be a trustee of the EISENMAN FAMILY TRUST whose name is subscribed to the foregoing instrument, and acknowledged to me that such trust executed the same.

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



[Signature]
Notary Public for Idaho
Residence: Spokane
My commission expires: 12-07-2018

Exhibit A

WATER RIGHT NO. 61-11966
As Modified by Transfer No. 69702

In accordance with the approval of Transfer No. 69702, Water Right No. 61-11966 is now described as follows.

Right Holder: EISENMAN FAMILY TRUST
 2988 S OWYHEE ST
 BOISE ID 83706

Priority Date: December 16, 1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.60 CFS	135.0 AF
			0.60 CFS	135.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼ SW¼ NW¼ Sec. 11 Twp 02S Rge 04E ELMORE County

PLACE OF USE: 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	
02S 04E 10	40.0	40.0	40.0	40.0													160.0
02S 04E 11	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					480.0
02S 04E 12					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0

Total Acres, 960

CONDITIONS OF APPROVAL

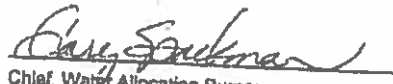
1. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. This right is limited to the irrigation of 30 acres within the place of use described above in a single irrigation season.

WATER RIGHT NO. 61-11966
As Modified by Transfer No. 89702

6. Right 61-7283A is also diverted through the point of diversion described above.

This water right 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.

Dated this 10th day of November, 2004


Chief, Water Allocation Bureau

WATER RIGHT NO. 61-7283A
As Modified by Transfer No. 69702

In accordance with the approval of Transfer No. 69702, Water Right No. 61-7283A is now described as follows.

Right Holder: EISENMAN FAMILY TRUST
 2888 S OWYHEE ST
 BOISE ID 83708

Priority Date: August 23, 1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	1.50 CFS	337.5 AF
			1.50 CFS	337.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼ SW¼ NW¼ Sec. 11 Twp 02S Rge 04E ELMORE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Total
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 04E 10	40.0	40.0	40.0	40.0													160.0
02S 04E 11	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					480.0
02S 04E 12					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0

Total Acres: 960

CONDITIONS OF APPROVAL

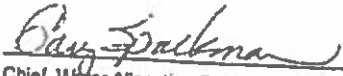
1. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 ata per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. This right is limited to the irrigation of 75 acres within the place of use described above in a single irrigation season.

WATER RIGHT NO. 61-7283A
As Modified by Transfer No. 69702

6. Right 61-11966 is also diverted through the point of diversion described above.

This water right 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.

Dated this 10th day of November, 2004



Chief, Water Allocation Bureau

WATER RIGHT TRANSFER

PLACE OF USE 151 ACRES WITHIN SEC 15



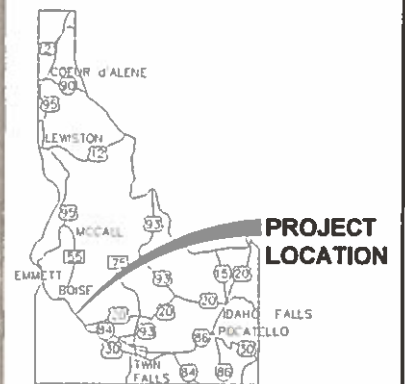
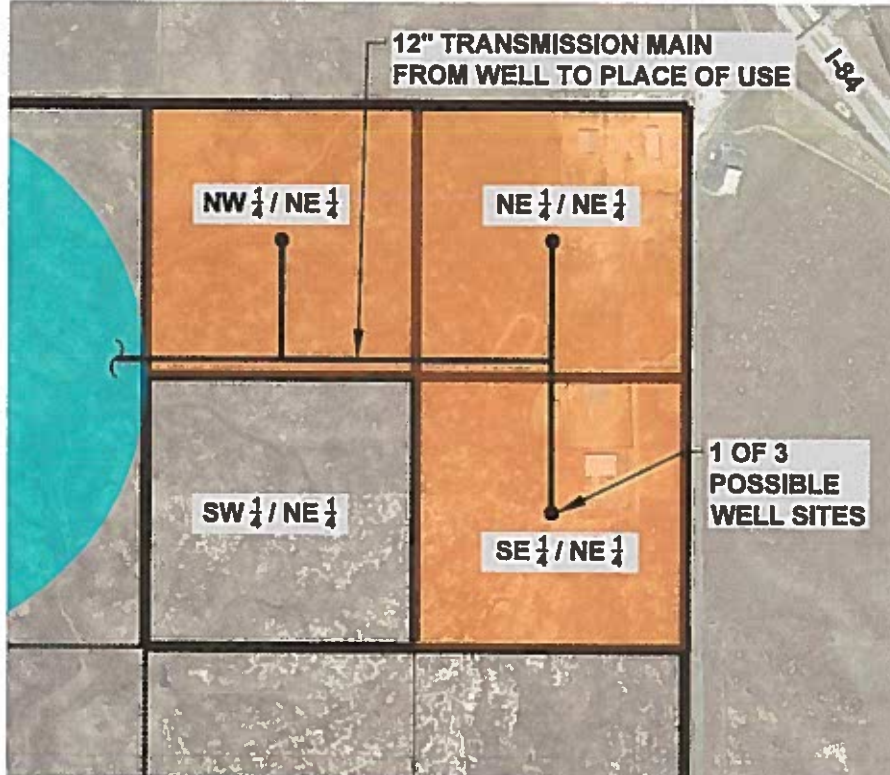
LEGEND:

- POINTS OF DIVERSION
- PLACE OF USE
- IRRIGATION AREA

PLACE OF USE NOTE:
IRRIGATION OF 151 ACRES
WITH SECTION 15.



LEGAL DESCRIPTION : T1S, R4E, SEC. 15



LOCATION MAP



ENGINEERING AND ENVIRONMENTAL SOLUTIONS

2210 W. MAIN ST.
BOISE, IDAHO 83702
208.850.9978

IDAHO OFFICES
BOISE • MCCALL • COEUR D'ALENE

JUNIPER STATION

PLACE OF USE/DISTRIBUTION

PROJECT NO.:

159.0020.01

SHEET NO.

FIGURE 2

State of Idaho
Department of Water Resources

Water Right
61-7283A

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



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

0 0.3 0.6 1.2 Miles

81327

Attachment 7b



State of Idaho
Department of Water Resources

Water Right
61-11966

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



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

0 0.3 0.6 1.2 Miles

81327

Attachment 7b

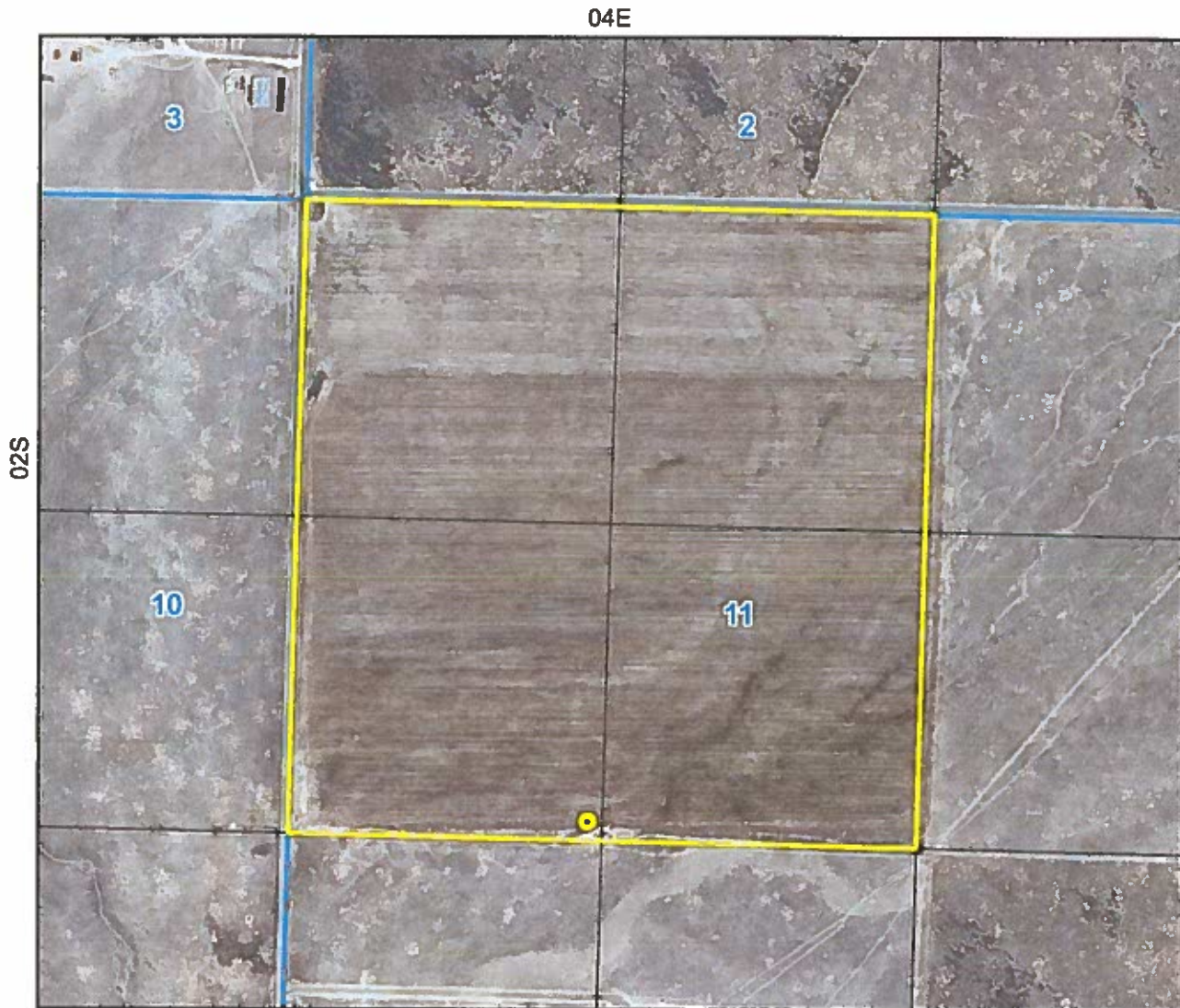


State of Idaho
Department of Water Resources

Water Right
61-12133

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



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

0 0.075 0.15 0.3 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 15, 2016

JUNIPER STATION FARM LLC
3350 W AMERICANA TERRACE STE 340
BOISE, ID 83706

RE: Transfer No. 81327
Water Right No(s). 61-11966, 61-12133, 61-7283A

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the MOUNTAIN HOME NEWS on 12/21/2016 and 12/28/2016. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

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

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

Sincerely,

Rachel Neely
Administrative Assistant

CC:
CHARLES L HONSINGER
HONSINGER LAW PLLC
PO BOX 517
BOISE, ID 83701

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, December 15, 2016 9:12 AM
To: 'Swenson, Stacy'
Subject: Elmore Legal Ad
Attachments: Elmore Cover Letter.docx; Elmore Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ad for publication on 12/21/2016 & 12/28/2016.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

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

December 15, 2016

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

RE: Transfer No. 81327,
Water Right No(s): 61-11966, 61-12133, 61-7283A

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 1/9/2017. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

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

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81327**

JUNIPER STATION FARM LLC, 3350 W AMERICANA TERRACE STE 340, BOISE, ID 83706; has filed Application No. 81327 for changes to the following water rights within ELMORE County(s): Right No(s). 61-11966, 61-12133, 61-7283A; 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 the point of diversion to three proposed wells and change the place of use from inside the Cinder Cone Butte Critical Ground Water Area to property inside the I-84 Corridor area and Mountain Home Ground Water Management Area. Water will be used at the new place of use just south of the I-84 Simco Rd exit on the west side of Simco Rd, approximately five miles north of the current place of use, approximately 21 miles northwest of Mountain Home.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s) or proposed transfer(s), please see www.idwr.idaho.gov/WaterManagement/WaterRights. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 1/9/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 12/21/2016 and 12/28/2016



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

December 15, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

<SEE DISTRIBUTION LIST>

Re: Application for Transfer No. 81327

Dear Interested Party:

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

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by January 9, 2017. A copy of the protest must also be sent to the applicant.

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

Sincerely,

Rachel Neely
Administrative Assistant
Western Regional Office

Enclosures

DISTRIBUTION LIST

NEVID LLC
1349 GALLERIA DR STE 200
HENDERSON NV 89014

CLEVELAND CORDER LLC
622 ZOE LN
GARDEN CITY ID 83714

NORMAN M SEMANKO
MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD
PO BOX 829
BOISE ID 83701-0829

ORCHARD RANCH LLC
PO BOX 1260
MARICOPA AZ 85139

ARK PROPERTIES LLC
C/O JOHN MC CALLUM
11204 N BAR 21 DR
GLENNS FERRY ID 83623

CHERESE MCLAIN
BRUCE SMITH
MSBT LAW CHTD
950 W BANNOCK STE 520
BOISE ID 83702

SPF WATER ENGINEERING LLC
300 E MALLARD DR STE 350
BOISE ID 83706

PARS HOLDINGS LC
2001 BIRDIE THOMPSON DR #803
POCATELLO ID 83201

MICHAEL PRESTON
SHEKINAH INDUSTRIES INC
420 BITTERROOT DR
BOISE ID 83709

MICHAEL CREAMER
GIVENS PURSLEY LLP
PO BOX 2720
BOISE ID 83701-2720

TONYA D BOLSHAW
PO BOX 16022
BOISE ID 83715

DANA QUINNEY
SCOTT QUINNEY
160 S PRONGHORN
BOISE ID 83716

ERICK POWELL
BROCKWAY ENGINEERING

2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

JOHN K SIMPSON
BARKER ROSHOLT & SIMPSON LLP
PO BOX 2139
BOISE ID 83701-2139

TIM CONRADS
75 S PRONGHORN RD
BOISE ID 83716

MARY FRISCH
155 S PRONGHORN DR
BOISE ID 83716

BROWN FARMS LLC
ATTN CLIFFORD BROWN ESQ
HOLZER EDWARDS & HARRISON
1516 W HAYS ST
BOISE ID 83702

JAMES C TUCKER
IDAHO POWER COMPANY
PO BOX 70
BOISE ID 83707

DARLA BATEMAN
404 E INDIAN CREEK RD
BOISE ID 83716

ROBERT MAYNARD
ERKIA MAMAN
PERKINS COIE LLP
1111 W JEFFERSON ST STE 500
BOISE ID 83702-5391

WENDY TIPPETTS
999 N SLATER CREEK
MAYFIELD ID 83716

LORI ATKINS
602 E MIKE'S PL
BOISE ID 83716

DARWIN ROY
147 E INDIAN CRK RD
MAYFIELD ID 83716

ED VAN GROUW
5089 S DEBONAIR LN
MERIDIAN ID 83642

WAYNE SHEPHERD
DIRECTOR OF PUBLIC WORKS
CITY OF MOUNTAIN HOME
PO BOX 10
MOUNTAIN HOME ID 83647

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, December 15, 2016 12:07 PM
To: Miller, Nick
Subject: Application for Transfer No. 81327
Attachments: Watermaster Recommendation Form.docx; Application for Transfer 81327.pdf

NICK MILLER
WATER DISTRICT #161
IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION

RE: Application for Transfer No. 81327

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. A copy of the application is enclosed with this email for your reference. Please review the application, complete a recommendation form, and submit your reply, if any, to this office by January 9, 2017.

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

Sincerely,

Rachel Neely

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 8, 2016

JUNIPER STATION FARM LLC
C/O CHARLES L HONSINGER
HONSINGER LAW PLLC
PO BOX 517
BOISE ID 83701

Re: Application for Transfer No. 81327 - Additional Information Request

Dear Charlie:

This office received your client's application for transfer to change water rights 61-7283A, 61-11966, and 61-12133. The application is currently being reviewed to prepare for publication. Initial review of the application resulted in two items the Idaho Department of Water Resources (IDWR) wishes to address during publication. The following summarizes those items;

1. Rights 61-7283A and 61-11966 are currently in the name of Eisenman Family Trust. A Water Right Quitclaim Deed was submitted with the transfer application documenting conveyance of those rights to the transfer applicant, Juniper Station Farm LLC. If you wish IDWR to update the ownership records of these rights during the transfer process, please submit \$50.00 for the ownership change filing fees (\$25 per right).
2. The transfer application proposes creation of a 640 acre permissible place of use (PPU) for the three rights which currently authorize a total of 151 acres of irrigation. IDWR often creates the electronic shape file associated with such rights to represent the number or irrigated acres and requires the right holder to submit a new land list and representative electronic shape file or map when the land irrigated will change. The transfer application map submitted shows roughly 132 acres for the irrigated land proposed within the PPU, rather than 151 acres. During initial forfeiture review of the rights, it appears a pivot has clearly been irrigating approximately 132 acres within the current place of use within the last five years. 2013 and 2016 landsat data, aerial imagery, and Google Earth imagery show indications the SENW, NWNW, and the NENW of Sec 11 pivot corners may have had some early season irrigation, but it is unclear from data available to IDWR. If 19 acres (in addition to the 132 acre pivot) have been irrigated during one irrigation season in the past five years, please provide confirming evidence. Alternatively, if the 19 acres has not been irrigated, please provide a defense to forfeiture outlined in Idaho Code §42-223. Additionally, if the total irrigation use on 151 acres is determined to be valid, please provide an updated map illustrating the specific 151 acres the applicant plans to irrigate, at least initially, within the 640 acre PPU proposed.

Please submit the requested information above within the next thirty (30) days. Your response, or a request for more time to make your response, must be received within thirty (30) days. The application will be rejected without a timely written reply. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Angela M. Grimm
Water Rights Supervisor

Cc: Juniper Station Farm LLC

Honsinger Law, PLLC
Charles L. Honsinger
(208) 863-6106

RECEIVED
DEC 05 2016
WATER RESOURCES
WESTERN REGION

December 5, 2016

Dear Mr. Miller:

Enclosed with this correspondence, please find an application to transfer the place of use and point of diversion for water right numbers 61-7283A, 61-11966, and 61-12133 that I hereby submit on behalf of my client Juniper Station Farms, LLC (hereinafter "JS").

As you are aware, the current place of use and points of diversion for these three water rights are within the Cinder Butte Critical Ground Water Area (hereinafter "CBCGWA"). The proposed new place of use and point(s) of diversion are outside the CBCGWA, but within the I-84 Corridor administratively managed by IDWR pursuant to the November 4, 2013 Final Order Regarding Water Sufficiency entered in The Matter of Application for Transfer No. 78356 in the Name of Shekinah Industries, *et. al.* (hereinafter the "*Order*"). You have previously informed us that under the management scheme envisioned by the *Order*, the transfer proposed by JS would not be processed.

However, we believe there are mitigating factors and valid reasons to process this transfer as described below.

1. Boundaries of I-84 Administrative Corridor Management Area

There appears to be only an arbitrary basis for the boundaries defining the administrative corridor rather than a hydrologic or hydrogeologic basis. In fact it appears that the boundaries of the I-84 Corridor Management Area were chosen to approximate the width of the CBCGWA. *See Order*, p. 3, Figure 2. In other words, it does not seem that the boundaries of the I-84 Corridor Management Area are defined by hydrologic or hydrogeologic characteristics, although the Area was created to monitor and minimize impacts to groundwater and the aquifer system therein.

There are also small areas between the I-84 Corridor Management Area and the CBCGWA that are not within either of the two. It seems difficult to justify that a property that is between the Management Area and the CBCGWA does not belong in either of those areas. Certainly, if the Management Area were based upon hydrological or hydrogeological characteristics, either inclusion or non-inclusion therein would be a much easier justification. In this case JS simply has the misfortune of its property being just inside the arbitrarily determined boundary of the I-84 Corridor Management Area instead of in one of the parcels that is not within either administratively managed area.

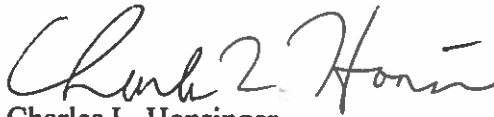
Given the fact that the boundaries of the I-84 Corridor Management Area are not hydrologically or hydrogeologically determined, it appears to be an arbitrary and unsupported decision to not process a transfer application that would allow a water right holder to move a point of diversion to a location that is just barely within that management area. This is especially so when, if the proposed diversion were located just slightly to the south, it would be outside of both the management area and the CBCGWA (and it would likely benefit other water right holders downgradient in the CBCGWA as explained further below).

2. Movement of Points of Diversion

JS proposes to move the point of diversion of its water rights approximately two miles from its current location(s). There are a couple of aspects to this proposed relocation worth mentioning. First, the water proposed to be diverted under the transfer is from within the same basin as that from which it is currently being diverted. Thus, the overall effect of the proposed transfer on the basin will be negligible. The overall quantity of water moving downgradient within the groundwater basin will not change. Second, JS proposes to move its diversions of water from within the CBCGWA where the supply of water has been determined to be so dire that the Director designated the Critical Ground Water Area. Notably, JS's current diversions are from a location that is upgradient of the area within the CBCGWA where the most intensive diversions of water for irrigation occur. It is entirely reasonable to assume that by moving the diversions of water to the north and outside of the CBCGWA, a more robust supply of water will be available for the intensive diversions and irrigation downgradient of JS's current diversion.

Based upon the above discussion, I am requesting on behalf of JS that IDWR process the attached transfer application. I enclose a check in the amount of \$740 to cover the statutory processing fee. We welcome any queries or any further input. Please feel to contact me at any time.

Sincerely,



Charles L. Honsinger

cc: Mike Eisenmann
Tim Farrell