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SEP 28 2016
Department of Water Resources
Eastern Region

T.J. Budge
tjb@racinelaw.net

September 20, 2016

Kerrie Mathews
Idaho Department of Water Resources
Eastern Region Office
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: Rim Rock Ranch - Hubbard Transfer Application

Kerrie:

I received your email dated September 7, 2016, concerning the above referenced Transfer Application. Enclosed herewith is a revised narrative that corrects the PLSS descriptions for POD No. 1 and POD No. 2. Also enclosed is a check in the amount of \$160 for the balance of the transfer fee.

Thank you for your work on this transfer. Please let me know if you have any further questions.

Sincerely,

A handwritten signature in blue ink, appearing to be 'TJB', is written over the word 'Sincerely,'.

T.J. BUDGE

Receipt
#2042484

TRANSFER APPLICATION PART 1.A.2

General Overview

This water transfer application seeks to relocate the place of use for six irrigation water rights so that the place of use for each right is stacked on a single place of use. After this transfer is accomplished, the three applicants, who own the land underlying the final place of use for each water right, seek to split the six water rights based on land ownership, giving each owner his proportionate share of the rights based on the size of his place of use. As depicted in Attachment 7b, Shane Hubbard will own the water rights pertaining to the place of use that covers 1 acre of his property in the NWSE of Section 9; Alan and Diane Hubbard will own the water rights pertaining the place of use that covers 1.5 acres of their property, with .8 being in the NWSE of Section 9 and .7 being in the SWSE of Section 9; and Rimrock Ranch LLC will own the remaining portion of the water rights.

Points of Diversion

Although no new points of diversions are proposed, the water rights currently do not accurately show the location of existing points of diversion. This water transfer application seeks to clarify the correct location of the existing points of diversion, as depicted in Attachment 7b. The following three (3) points of diversion are the only points of diversion used under the water rights subject to this transfer application:

- 1) POD #1: Located at NE SE NW Township 11S Range 41E Section 9
 - Used under water right nos. 13-726, 13-727
 - Spring POD
- 2) POD #2: Located at SE SE NW Township 11S Range 41E Section 9
 - Used under water right nos. 13-726, 13-727
 - North Fork Trout Creek POD
- 3) POD #3: Located at SE NW SW Township 11S Range 41 E Section 15
 - Used under water right nos. 13-742, 13-776, 13-777, 13-778
 - Spring POD, tributary to Middle Fork Trout Creek

Water right no. 13-726 currently shows two additional PODs, one in the NE NE of Section 9, and one in the SE NE of Section 9. Neither of these PODs exists or is used and can be removed from this water right.

Additional Deeds

In a letter dated February 8, 2016, the Department of Water Resources indicated that it needed evidence of ownership of the property for the NW1/4 NE1/4 and the W1/2 W1/4 NE1/4. The deeds in Attachment 10a provide the requested evidence of ownership.

Releases

Water Right no. 13-742's current place of use is located on property owned by persons or entities other than the applicants. With the exception of two of these owners, Attachment 10b includes notarized releases from these owners, giving their consent to the proposed transfers under this Application. The other two owners have given oral approval of the proposed transfers and have indicated that they would sign and have notarized the waivers, but have not yet done so. These two owners are 1) Carl B. Jorgensen and Patricia Jorgensen and 2) Robert C. Harris and Ruth C. Harris. The Applicants request that these two owners be given notice of this Application and the opportunity to object.

Change of Ownership

After this Application is approved, the Applicants request that the Notice of Change in Water Rights Ownership form, which is included with this Application, be processed to reflect that each of the six water rights are split between the three Applicants based on land ownership. Ownership is depicted in attachment 7b and evidenced in the deeds in attachment 10.