

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 80195

AMENDED **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 www.idwr.idaho.gov.

Name of Applicant(s) MKFT Real Estate, 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 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: 1987 aerial photo

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JUN 24 2015

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) MKFT Real Estate, LLCPhone 509-227-0048Mailing address 601 E. Riverside Ave., Spokane, WA 99201Email kevin.j.paulson@ustrust.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 RepresentativeName of Representative SPF Water Engineering, LLCPhone 208-383-4140Mailing address 300 E. Mallard Dr., Ste 350, Boise, ID 83706Email lgraves@spfwater.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

Kevin J. Paulson SVP for B/M Trust

Print Name and Title if applicable

6-18-2015

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
- (1) change the points of diversion on water rights 57-2271 and 57-2278 to irrigation wells owned and used; (2) change the irrigation place of use to a permissible place of use (PPU) for irrigation flexibility; (3) transfer portions of water right 57-2271 decreed outside the applicant's property boundary, to acres within the applicant's property boundary, where they have been historically used for irrigation; and (4) add a new well.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	57-2271	4.5/1012.5	Irrigation	3/15 to 10/15	Ground Water
☒ ☐	57-2278	2.8/630	Irrigation	3/1 to 10/31	Ground Water
☐ ☒	57-11711	0.52/116.1	Irrigation	3/1 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 7.82 cfs and/or 1758.6 acre-feet.

2. Total amount of water proposed to be transferred or changed 7.82 cubic feet per second and/or 1758.6 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 #
			SW	SW	25	4S	1W	Owyhee	Ground Water	A0016965
			SW	SE	26	4S	1W	Owyhee	Ground Water	A0016966
			SE	SW	26	4S	1W	Owyhee	Ground Water	Proposed New Well

4. Place of use: (If irrigation, identify with number of acres irrigated per 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	
4S	1W	25											25						25
4S	1W	26									40	40	40	40	40	40	40	40	320
~~5S~~	1W	34	3		5	25													33
~~5S~~	1W	35	14	38	~~1~~		40	40	11	10									~~154~~ 153
Total Acres (for irrigation use)																			~~532~~ 531

*390.8 acres irrigation within a ~~532~~-acre permissible place of use (PPU)

531

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:

2 existing wells, 1 new well, pumps, pressurized irrigation system.

Measuring devices and lockable controlling works will be installed upon Department's request.

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

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

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

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

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

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

If yes, ☐ complete Attachment WSB.

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

As evidenced on 1987 aerial photography included as Attachment 9, all of water right 57-2271 has been historically used for irrigation within applicant's property boundary, however portions of the water right in Section 34 were decreed to areas outside the applicant's property boundary on acres not owned or irrigated. (continued below)

- 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:

None

- 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.: 57-2271

Current Owner: MKFT REAL ESTATE LLC
Priority Date: 3/30/1964
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	3/15 to 10/15	4.5 CFS	1012.5 AF
	<u>Total Diversion</u>	4.5 CFS	1012.5 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4	Sec. 26,	Twp 04S,	Rge 01W B.M.
OWYHEE County				
GROUND WATER	NW1/4SW1/4	Sec. 26,	Twp 04S,	Rge 01W B.M.
OWYHEE County				
GROUND WATER	SE1/4NW1/4	Sec. 35,	Twp 04S,	Rge 01W B.M.
OWYHEE County				
GROUND WATER	NE1/4SE1/4	Sec. 26,	Twp 04S,	Rge 01W B.M.
OWYHEE County				
GROUND WATER	NE1/4NW1/4	Sec. 36,	Twp 04S,	Rge 01W B.M.
OWYHEE County				
GROUND WATER	NE1/4NE1/4	Sec. 36,	Twp 04S,	Rge 01W B.M.
OWYHEE County				

Place of Use

IRRIGATION Within OWYHEE County

T04S R01W S26	SWSE	40.00	T04S R01W S26	SESE	40.00
T04S R01W S34	SWNE	16.00	T04S R01W S34	SENE	29.00
T04S R01W S35	NENE	10.00	T04S R01W S35	NWNē	30.00
T04S R01W S35	NENW	40.00	T04S R01W S35	NWNW	20.00

Total Acres: 225

SCANNED
OCT 02 2015

Page _____ of _____

Conditions of Approval:

1. 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.
2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 AND AFTER OCTOBER 15 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. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-02278 & 57-02277

Decreed Date: 1/17/2003

SCANNED

001-02-2015

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

Current Water Right No.: 57-2278

Current Owner: MKFT REAL ESTATE LLC

Priority Date: 9/14/1964

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	3/01 to 10/31	2.8 CFS	630 AF
	<u>Total Diversion</u>	2.8 CFS	630 AF

Location of Point(s) of Diversion

GROUND WATER	NE 1/4 SE 1/4	Sec. 26,	Twp 04S,	Rge 01W B.M.
OWYHEE County				
GROUND WATER	NE 1/4 NW 1/4	Sec. 36,	Twp 04S,	Rge 01W B.M.
OWYHEE County				
GROUND WATER	SE 1/4 NW 1/4	Sec. 35,	Twp 04S,	Rge 01W B.M.
OWYHEE County				
GROUND WATER	SW 1/4 SE 1/4	Sec. 26,	Twp 04S,	Rge 01W B.M.
OWYHEE County				
GROUND WATER	NW 1/4 SW 1/4	Sec. 26,	Twp 04S,	Rge 01W B.M.
OWYHEE County				
GROUND WATER	NE 1/4 NE 1/4	Sec. 36,	Twp 04S,	Rge 01W B.M.
OWYHEE County				

Place of Use

IRRIGATION Within OWYHEE County

T04S R01W S26	SWSW	40.00	T04S R01W S26	SESW	40.00
T04S R01W S26	NESE	30.00	T04S R01W S26	NWSE	30.00

Total Acres: 140

Page _____ of _____

Conditions of Approval:

1. 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.
2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER 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. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-02277 & 57-02271

Decreed Date: 1/17/2003

SCANNED
OCT 02 2015

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

Current Water Right No.: 57-11711

Current Owner: MKFT REAL ESTATE LLC

Priority Date: 11/1/2007

Origin: Water Right

Status: Active

Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.6 CFS	134.1 AF
	<u>Total Diversion</u>	0.6 CFS	134.1 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4	Sec. 25,	Twp 04S,	Rge 01W B.M.
OWYHEE County				
GROUND WATER	SW1/4SE1/4	Sec. 26,	Twp 04S,	Rge 01W B.M.
OWYHEE County				

Place of Use

IRRIGATION Within OWYHEE County

T04S R01W S25	SWSW	26.00	T04S R01W S26	NESE	1.00
T04S R01W S26	SESE	2.80			

Total Acres: 29.8

Conditions of Approval:

1. R55 This right is for the use of trust water and is subject to review 5 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
2. 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.
3. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. 103 When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

SCANNED

OCT 02 2015

ACCOMMODATION

Instrument # 287041
MURPHY, OWYHEE, IDAHO
2015-06-19 03:31:18 No. of Pages: 1
Recorded for: ALLIANCE TITLE - BOISE PRODUCTIC
ANGELA BARKELL Fee: \$10.00
Ex-Officio Recorder Deputy: map
Index To: DEED QUIT-CLAIM
Electronically Recorded by Simplifile

QUIT CLAIM DEED

GRANTORS: Hart Creek Ranch, LLC c/o Lorna Steiner

GRANTOR'S ADDRESS: 24597 Collett Road, Oreana, ID 83650

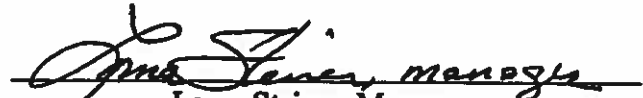
GRANTEE: MKFT Real Estate, LLC

GRANTEE'S ADDRESS: 601 E. Riverside Ave., Spokane, WA 99201

PROPERTY: Portions of water right 57-2271 for irrigation appurtenant to Grantor's property located in the NE 1/4, Township 5S, Range 1W, Section 34.

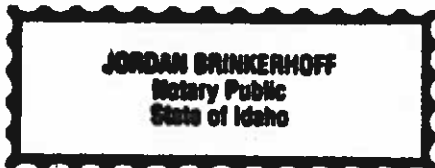
Grantors quit claim to Grantee all of Grantors' right, title and interest in and to the property's irrigation rights authorized under water right 57-2271, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors or assigns forever. Neither Grantors nor Grantors' heirs, administrators, successors or assigns shall have, claim, or demand any right or title to the property irrigation rights or any part thereof.

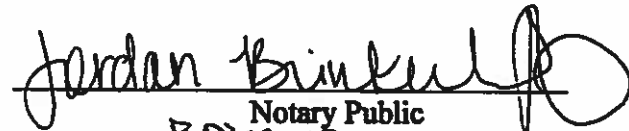
IN WITNESS WHEREOF, the Grantors have executed this Deed this 5th day of June, 2015.


Lorna Steiner, Manager

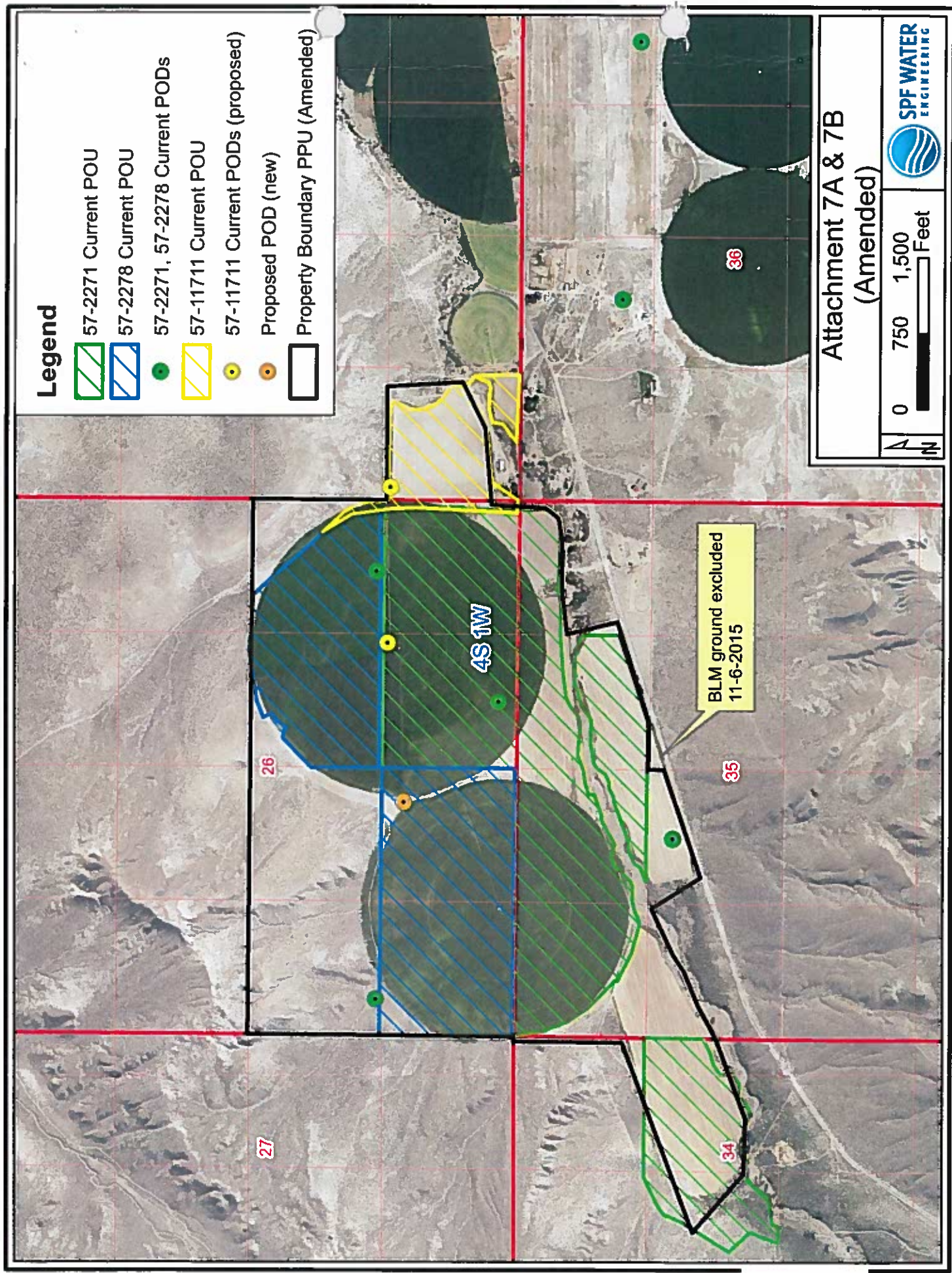
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 5 of June, 2015.




Notary Public
Residing at Boise, ID

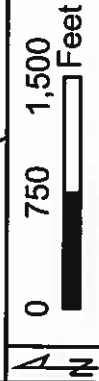
My commission Expires 01/13/2020



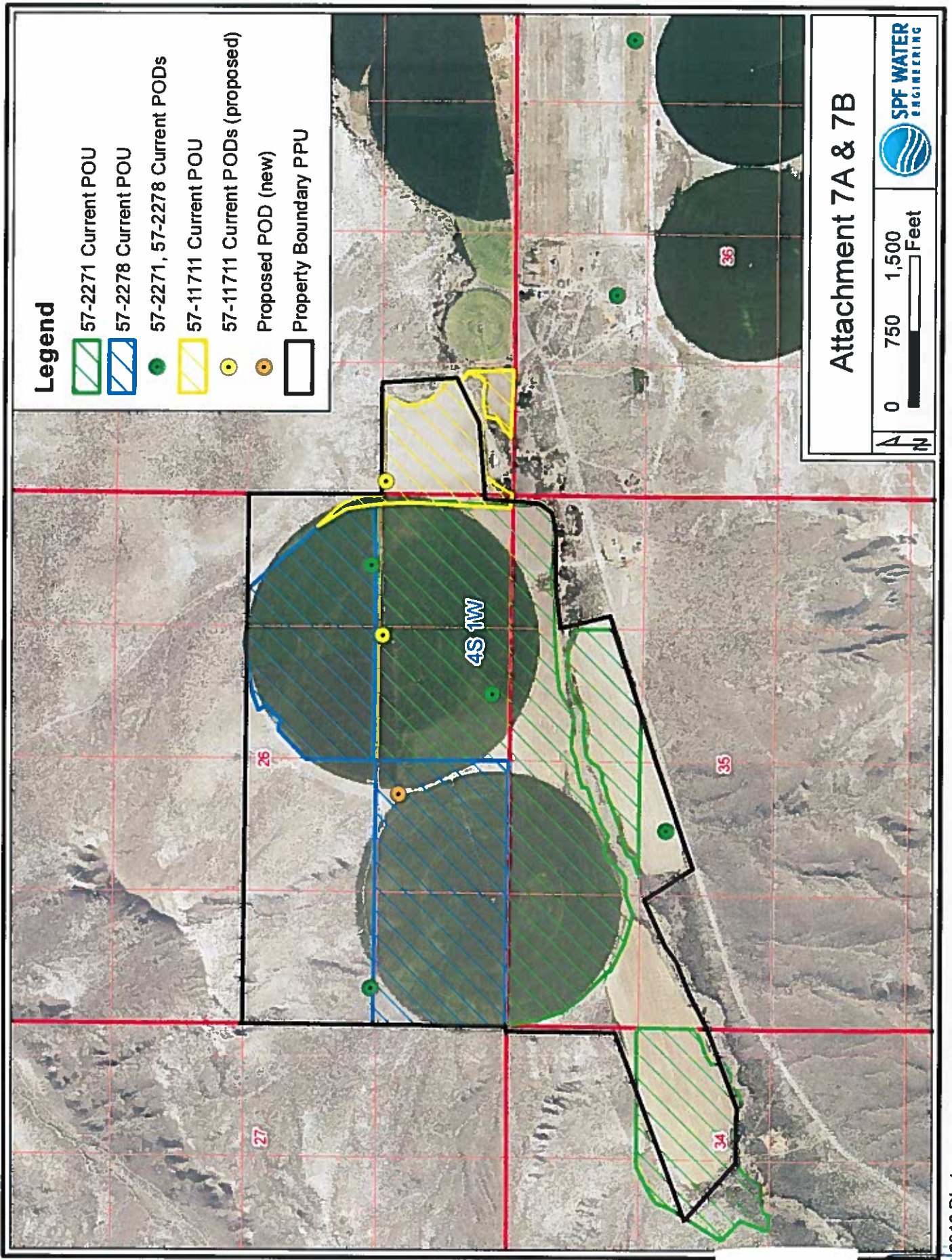
Legend

-  57-2271 Current POU
-  57-2278 Current POU
-  57-2271, 57-2278 Current PODs
-  57-11711 Current POU
-  57-11711 Current PODs (proposed)
-  Proposed POD (new)
-  Property Boundary PPU (Amended)

**Attachment 7A & 7B
(Amended)**

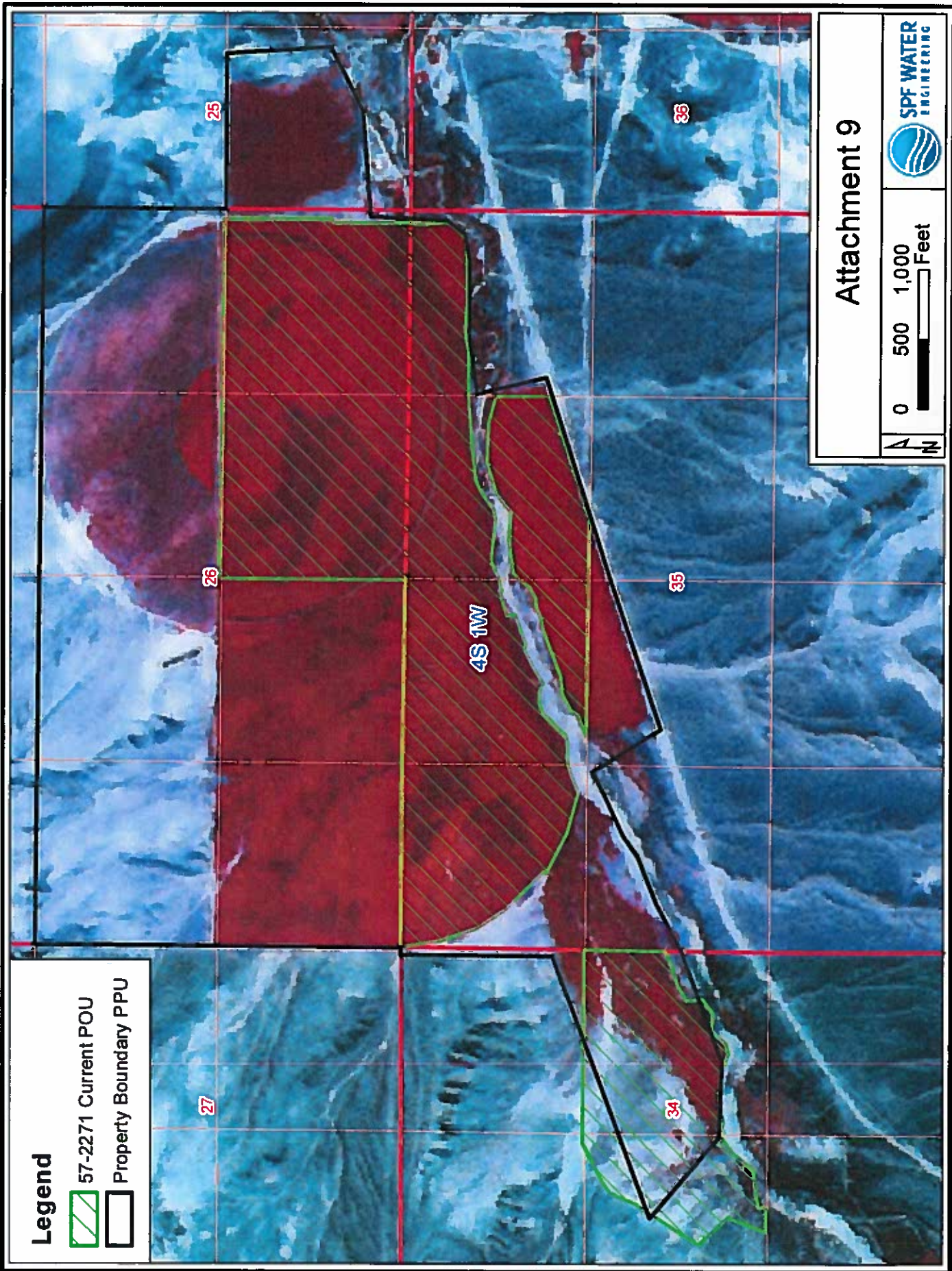


20195



SUPERSEDED BY ATTENDED MAP RECEIVED 11-6-15.

OCT 02 2015
2019



Legend

-  57-2271 Current POU
-  Property Boundary PPU

Attachment 9


0 500 1,000 Feet


SPF WATER
ENGINEERING