

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

80793

RECEIVED

MAR 29 2016

Department of Water Resources

Eastern Region

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) Meadowlark Ranch 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: Special Power of Attorney

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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MAR 29 2016

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Meadowlark Ranch LLC Phone _____
Mailing address 9350 South 150 East Ste 1000, Sandy, UT 84070 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**.

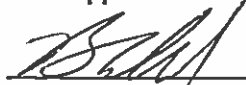
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Rocky Mountain Environmental Associates, Inc Phone 208-524-2353
Mailing address 482 Constitution Way Ste 303, Idaho Falls, ID 83402 Email kristin.rmea@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

Brent Hoerner manager
Print Name and Title if applicable

3-19-16
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**.
See attached narrative.

Narrative of Proposal

Meadowlark Ranch LLC is the owner of Water Right Nos. 13-885A, 13-886A, 13-887A, and 13-889C. This transfer proposes to update the water rights and reflect current irrigation practices and comply with mitigation requirements of Permit No. 13-7784.

Existing Use

Currently, the water rights are diverted from Cottonwood Creek through the Treasureton Canal (the only described point of diversion). They then pass through a connecting channel into Stockton Creek, and flow to a diversion at the Place of Use downstream. The water is then delivered through an irrigation system to water the adjacent lands. Not all of these injection and redirection points are identified on the water rights.

The Place of Use on the water rights is out of date. Changes have occurred since the water rights were transferred to the Meadowlark property decades ago, after the original decree in 1920. Applicant has been irrigating approximately 182 acres with these water rights.

Proposed Use

This transfer proposes to accomplish several changes to water right nos. 13-885A, 13-886A, 13-887A, and 13-889C. A portion of these rights were offered as mitigation of Permit No. 13-7784 and are proposed to be changed to Mitigation. The remaining portions of the water rights are proposed to be delivered and stored in the Meadowlark Reservoir as irrigation storage. To accomplish this change, the diversion system will be changed to incorporate the reservoir into the overall system and a storage component will be added to the water rights. The Place of Use is proposed to be changed to a Permissible Place of Use to allow greater flexibility within the entire farm.

Points of Diversion, Injection, and Rediversion

In order to clearly delineate the path of the water, this transfer proposes to add four additional Points of Diversion. These points will allow the water to follow this path:

1. Diversion from Cottonwood Creek into the Treasureton Canal (SESE Section 8, T12S R39E).
2. Injection into Stockton Creek (SWNE Section 33, T12S R39 E) via a connecting channel from the Treasureton Canal.
3. Rediversion into Meadowlark Reservoir (SENE Section 33, T12S R39E).
4. Injection back into Stockton Creek at Reservoir Outlet (SESW Section 33, T12S R39E).
5. Rediversion for irrigation of Place of Use (SENE Section 6, T13S R39E).

The diversion at the Treasureton Canal is not described correctly on the existing water rights. This transfer also proposes to correct that legal description. Each of these diversions, except for the last diversion, is currently measured through a measurement plan set in place for Permit No. 13-7784.

Mitigation

Permit No. 13-7784 allows Meadowlark Reservoir to be maintained and fully inundated year-round. Mitigation for the increased consumptive use resulting from increased evaporation required a total of 19.5 AFA. The mitigation plan proposed to retire 9.3 acres under Water Right Nos. 13-885A, 13-886A, 13-887A, and 13-889C. The water rights do not yet reflect this change. Therefore, this transfer proposes to apply 19.5 AFA, appurtenant to the 9.3 acres, to Mitigation, which will no longer be diverted. Quantities were determined proportionately among the four overlapping water rights and are further described in Attachment #8a.

Irrigation Storage

The remainder of the water rights will be diverted into the Reservoir as Irrigation Storage. The water will then be sent through the outlet, injected back into Stockton Creek, and delivered downstream at the described Place of Use for irrigation.

This water will not be used to fill the reservoir since that use is already approved under rights 13-7127 and 13-7784.

Irrigation

Although it is proposed to divert the entire remaining portions of the irrigation water right into the reservoir for irrigation storage, it is also proposed to maintain Irrigation as a Beneficial Use for times when the reservoir does not have the capacity to store these water rights. This will allow irrigation to continue uninterrupted without flooding the reservoir.

After mitigation acres are retired, the remaining irrigated acres are 172.5 acres.

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 ☐ ☐				to	
☐ ☐		See Supplemental Page Attached			
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

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

2. Total amount of water proposed to be transferred or changed 4.47 cubic feet per second and/or _____ 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 #
			SE	SE	8	12S	39E	BANNOCK	COTTONWOOD CREEK	
			SW	NE	33	12S	39E	BANNOCK	COTTONWOOD CREEK	INJECTION
			SE	NW	33	12S	39E	BANNOCK	COTTONWOOD CREEK	REDIVERSION
			SW	SW	33	12S	39E	BANNOCK	COTTONWOOD CREEK	INJECTION
			SE	NW	6	13S	39E	BANNOCK	COTTONWOOD CREEK	REDIVERSION

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	
13S	38E	13			8	25				0.2	20	6	10	0.1	33	34	2	23	161.3
		24	19																19
	39E	18							3		5	23	23	18					72
		19						22											22
Irrigation Storage Place of Use:																			
12S	39E	33												X			X		
13S	39E	4		X															
L2																			Total Acres (for irrigation use)
																			274.3

Irrigated Acres Limited to 172.5 acres

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF A WATER RIGHT

Supplemental Page for Description of Rights after Transfer**

		<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>		<u>Source & Tributary</u>
All or Part							
☒	☐	13-885A	0.53 cfs	Diversion to Storage	04/20	to 09/30	Cottonwood Crk & Bear Rv
☐	☐		178.8 AFA	Irrigation Storage	04/20	to 09/30	Cottonwood Crk & Bear Rv
☐	☐		178.8 AFA	Irrigation from Storage	04/20	to 09/30	Cottonwood Crk & Bear Rv
☐	☐		0.53 cfs	Irrigation	04/20	to 09/30	Cottonwood Crk & Bear Rv
☐	☐		0.07 cfs	Mitigation	04/20	to 09/30	Cottonwood Crk & Bear Rv
☐	☐		8.0 AFA	Mitigation	04/20	to 09/30	Cottonwood Crk & Bear Rv
☐	☐					to	
☒	☐	13-886A	0.40 cfs	Diversion to Storage	04/20	to 09/30	Cottonwood Crk & Bear Rv
☐	☐		134.1 AFA	Irrigation Storage	04/20	to 09/30	Cottonwood Crk & Bear Rv
☐	☐		134.1 AFA	Irrigation from Storage	04/20	to 09/30	Cottonwood Crk & Bear Rv
☐	☐		0.40 cfs	Irrigation	04/20	to 09/30	Cottonwood Crk & Bear Rv
☐	☐		0.05 cfs	Mitigation	04/20	to 09/30	Cottonwood Crk & Bear Rv
☐	☐		6.0 AFA	Mitigation	04/20	to 09/30	Cottonwood Crk & Bear Rv
☐	☐					to	
☒	☐	13-887A	0.37 cfs	Diversion to Storage	04/20	to 09/30	Cottonwood Crk & Bear Rv
☐	☐		125.2 AFA	Irrigation Storage	04/20	to 09/30	Cottonwood Crk & Bear Rv
☐	☐		125.2 AFA	Irrigation from Storage	04/20	to 09/30	Cottonwood Crk & Bear Rv
☐	☐		0.37 cfs	Irrigation	04/20	to 09/30	Cottonwood Crk & Bear Rv
☐	☐		0.05 cfs	Mitigation	04/20	to 09/30	Cottonwood Crk & Bear Rv
☐	☐		5.5 AFA	Mitigation	04/20	to 09/30	Cottonwood Crk & Bear Rv
☐	☐					to	
☒	☐	13-889C	2.79 cfs	Diversion to Storage	04/20	to 09/30	Cottonwood Crk & Bear Rv
☐	☐		932.7 AFA	Irrigation Storage	04/20	to 09/30	Cottonwood Crk & Bear Rv
☐	☐		932.7 AFA	Irrigation from Storage	04/20	to 09/30	Cottonwood Crk & Bear Rv
☐	☐		2.79 cfs	Irrigation	04/20	to 09/30	Cottonwood Crk & Bear Rv
☐	☐		0.21 cfs	Mitigation	04/20	to 09/30	Cottonwood Crk & Bear Rv
☐	☐		19.5 AFA	Mitigation	04/20	to 09/30	Cottonwood Crk & Bear Rv
☐	☐					to	
☐	☐					to	
☐	☐					to	
☐	☐					to	

Total authorized under rights 4.09 cfs and/or 1409.7 ac-ft

**Insert this page into Part 1B of the Application for Transfer of a Water Right.

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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:
Water rights are diverted at Cottonwood Creek and delivered through the Treasureton Canal, injected into Stockton Creek, rediverted to the Meadowlark Reservoir. The reservoir outlet reinjects the water into Stockton Creek and delivers to the final diversion, which is not measured, for irrigation. All other PODs are measured.
- b. Who owns the property at the point(s) of diversion? All PODs are existing diversions with multiple land ownership.
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
An easement was obtained for the POD in SWSW Sec 33 T12S R39E with State of Idaho Department of Lands. Other diversions have been historically used under pre-existing arrangements.
- 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:
Irrigation will continue to occur on the lands described by this transfer, which are reconfigured according to more recent practices. However 9.3 acres of irrigated land will be retired as required by the Conditions for Permit No. 13-7784. The volume of water appurtenant to the 9.3 acres will be applied to mitigation of reservoir evaporation.
- 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:
Other water rights share the same diversions, injections, and rediversions from Cottonwood Creek to Stockton Creek and into the Reservoir: 13-7127, 13-7784. There are no other recorded water rights shown appurtenant to the same lands described in this transfer.
- 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:

The mitigation plan for Permit No. 13-7784 requires that 9.3 acres be retired to provide mitigation of evaporative losses in the reservoir. This transfer proposes to formally add Mitigation as a use for this portion of the water rights.

Owner Type**Name and Address**

Current Owner MILLER FAMILY REAL ESTATE LLC

9350 SOUTH 150 EAST STE 1000

SANDY, UT 84070

Representative PAUL L ARRINGTON

BARKER ROSHOLT & SIMPSON LLP

195 RIVER VISTA PLACE, STE 204

TWIN FALLS, ID 83301-3029

(208)733-0700

Priority Date: 06/01/1879

Basis: Decreed

Status: Active

Source**Tributary**

COTTONWOOD CREEK BEAR RIVER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 04/20 09/30 0.6 CFS

Total Diversion 0.6 CFS

Location of Point(s) of Diversion:

COTTONWOOD CREEK NESW Sec. 08 Township 12S Range 39E FRANKLIN County

Place of Use Legal Description: IRRIGATION FRANKLIN County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	38E	13		SWNE			SENE							
				SWSW			SESW							
				NESE			SWSE			SESE				
	39E	18		NWNE										
				NENW										
				NESW			NWSW			SWSW			SESW	

Conditions of Approval:

1. X35 Rights 13-885A, 13-0886A, 13-887A, 13-889C, 13-885B, 13-886B, 13-887B, 13-889D, 13-889A, 13-884, and 13-888 when combined shall not exceed the irrigation of 624 acres.
2. P/D TREASURTON CANAL. TRANSFER 863 & 864.

Decreed Date: 07/14/1920

Owner Type **Name and Address**

Current Owner MILLER FAMILY REAL ESTATE LLC
 9350 SOUTH 150 EAST STE 1000
 SANDY, UT 84070

Representative PAUL L ARRINGTON
 BARKER RSHOLT & SIMPSON LLP
 195 RIVER VISTA PLACE, STE 204
 TWIN FALLS, ID 83301-3029
 (208)733-0700

Priority Date: 06/01/1887

Basis: Decreed

Status: Active

Source **Tributary**

COTTONWOOD CREEK BEAR RIVER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 04/20 09/30 0.45 CFS

Total Diversion 0.45 CFS

Location of Point(s) of Diversion:

COTTONWOOD CREEK NESW Sec. 08 Township 12S Range 39E FRANKLIN County

Place of Use Legal Description: IRRIGATION FRANKLIN County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	38E	13		SWNE			SENE							
				SWSW			SESW							
				NESE			SWSE			SESE				
	39E	18		NWNE										
				NENW										
				NESW			NWSW			SWSW			SESW	

Conditions of Approval:

1. X35 Rights 13-885A, 13-0886A, 13-887A, 13-889C, 13-885B, 13-886B, 13-887B, 13-889D, 13-889A, 13-884, and 13-888 when combined shall not exceed the irrigation of 624 acres.
2. P/D TREASURETON CANAL TRANSFER NO. 864

Decreed Date: 07/14/1920

Owner Type **Name and Address**

Current Owner MILLER FAMILY REAL ESTATE LLC
 9350 SOUTH 150 EAST STE 1000
 SANDY, UT 84070

Representative PAUL L ARRINGTON
 BARKER ROSHOLT & SIMPSON LLP
 195 RIVER VISTA PLACE, STE 204
 TWIN FALLS, ID 83301-3029
 (208)733-0700

Priority Date: 06/01/1895

Basis: Decreed

Status: Active

Source **Tributary**

COTTONWOOD CREEK BEAR RIVER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 04/20 09/30 0.42 CFS

Total Diversion 0.42 CFS

Location of Point(s) of Diversion:

COTTONWOOD CREEK NESW Sec. 08 Township 12S Range 39E FRANKLIN County

Place of Use Legal Description: IRRIGATION FRANKLIN County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	38E	13		SWNE			SENE							
				SWSW			SESW							
				NESE			SWSE			SESE				
	39E	18		NWNE										
				NENW										
				NESW			NWSW			SWSW			SESW	

Conditions of Approval:

1. X35 Rights 13-885A, 13-0886A, 13-887A, 13-889C, 13-885B, 13-886B, 13-887B, 13-889D, 13-889A, 13-884, and 13-888 when combined shall not exceed the irrigation of 624 acres.
2. P/D TREASURETON CANAL TRANSFER NO. 864

Decreed Date: 07/14/1920

Owner Type **Name and Address**

Current Owner MILLER FAMILY REAL ESTATE LLC
 9350 SOUTH 150 EAST STE 1000
 SANDY, UT 84070

Representative PAUL L ARRINGTON
 BARKER ROSHOLT & SIMPSON LLP
 195 RIVER VISTA PLACE, STE 204
 TWIN FALLS, ID 83301-3029
 (208)733-0700

Priority Date: 01/01/1904

Basis: Decreed

Status: Active

Source **Tributary**

COTTONWOOD CREEK BEAR RIVER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 04/20 09/30 3 CFS

Total Diversion 3 CFS

Location of Point(s) of Diversion:

COTTONWOOD CREEK NESW Sec. 08 Township 12S Range 39E FRANKLIN County

Place of Use Legal Description: IRRIGATION FRANKLIN County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	38E	13		SWNE			SENE							
				SWSW			SESW							
				NESE			SWSE			SESE				
	39E	18		NWNE										
				NENW										
				NESW			NWSW			SWSW			SESW	

Conditions of Approval:

1. X35 Rights 13-885A, 13-0886A, 13-887A, 13-889C, 13-885B, 13-886B, 13-887B, 13-889D, 13-889A, 13-884, and 13-888 when combined shall not exceed the irrigation of 624 acres.
2. P/D TREASURETON CANAL TRANSFER NO. 864

Decreed Date: 07/14/1920

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

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**.

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:

[illegible]

FOR DEPARTMENT USE ONLY

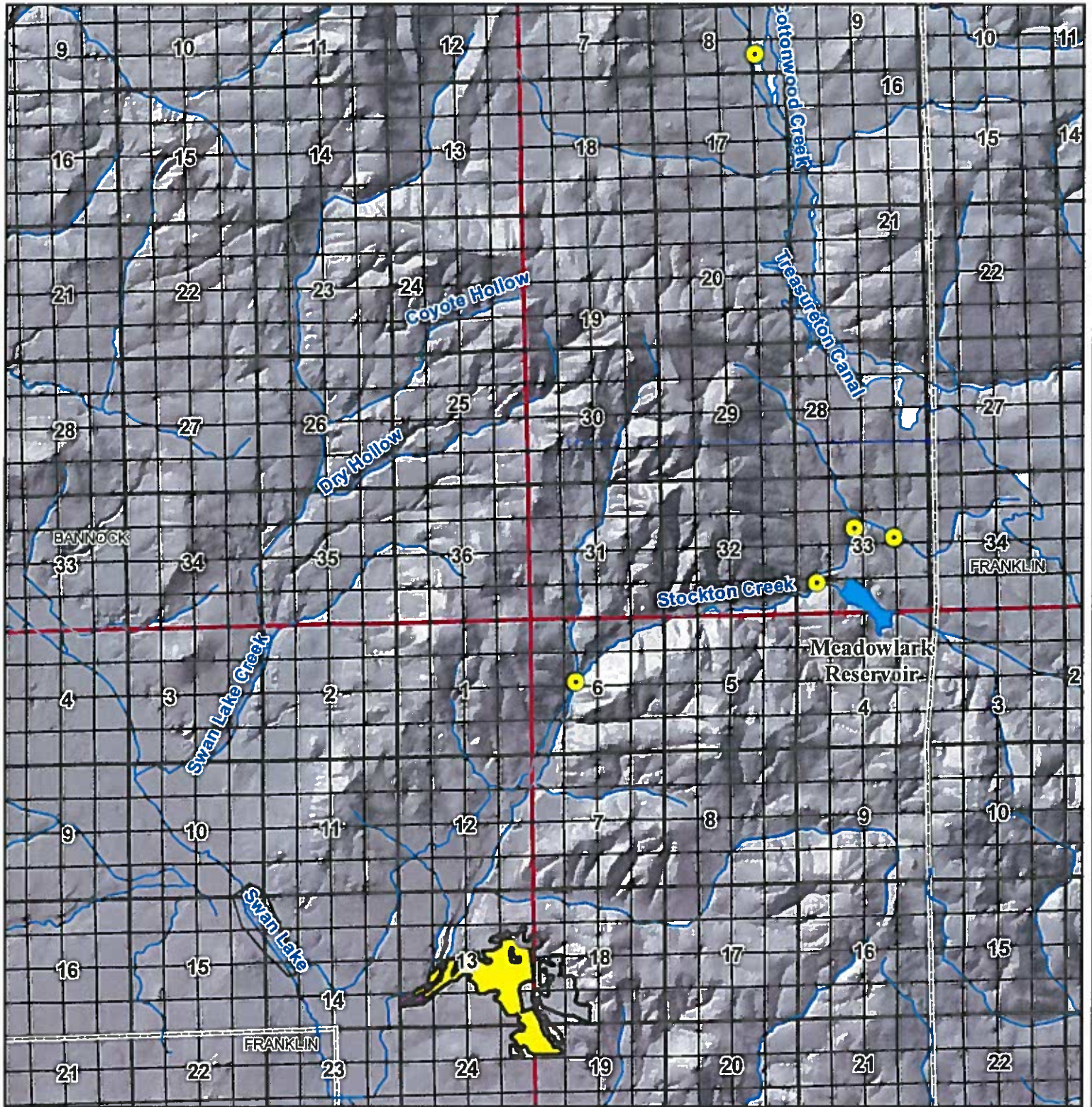
Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid 1070.⁰⁰ Date 3-29-16 Received by W Receipt # E041971

Add'l fee paid 275.⁰⁰ Date " " Received by WA Receipt # E041971

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)



● Proposed POD

□ Proposed PPU

■ Irrigated Acres

■ Mitigation

■ Irrig Storage

□ Counties

□ Twp & Rng

□ Section

□ QQ



0 0.5 1 2 Miles

2015 NAIP Photography

Application for Transfer Meadowlark Ranch, L.L.C.

By: KM
Date: March 29, 2016



80783

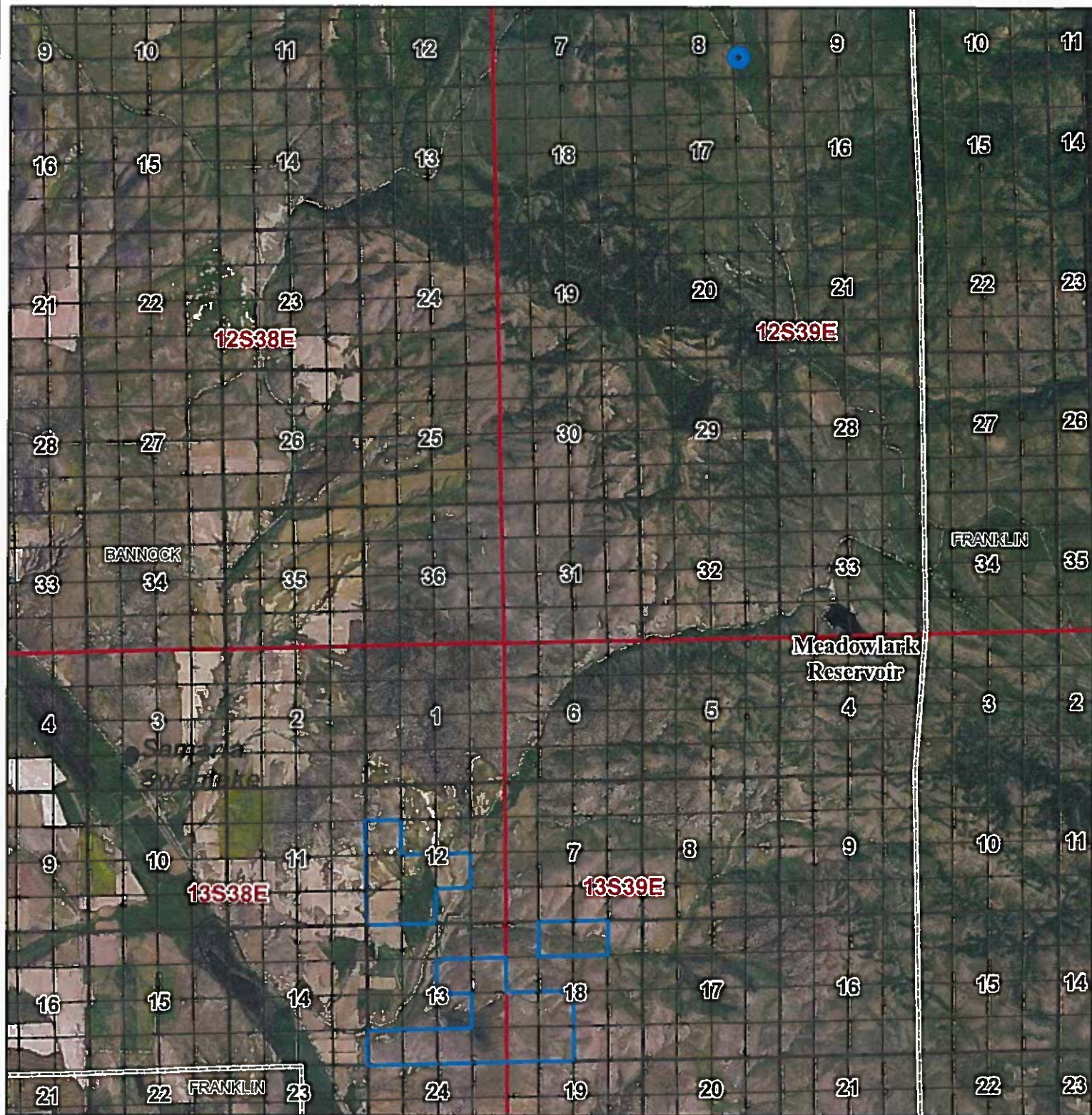


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2015 NAIP Photography 80793

By: KM
Date: March 29, 2016





- Original POD
- WR POU 13-885A et al
- Counties
- Twp & Rng
- Section
- QQ



0 0.5 1 2 Miles

2015 NAIP Photography 8 0 7 9 3

Application for Transfer

Meadowlark Ranch, L.L.C.

By: KM
Date: March 22, 2016



Changes in Nature of Use

The water rights proposed to be changed in this application have historically been used for the irrigation of 182 acres, as described by former farm manager David Bosen. This transfer proposes to direct the entirety of the water rights, except for the portion retired for Mitigation, into the Meadowlark Reservoir as irrigation storage.

Mitigation

Conditions of Permit No. 13-7784 require 9.3 acres to be retired. The approved mitigation plan that accompanied the Application for Permit identified that 7.1 acres of irrigated *alfalfa-less frequent cuttings*¹ and 2.2 acres of *grass pasture-low maintenance*² (for a total of 9.3 acres) under Water Right Nos. 13-885A, 13-886A, 13-887A, and 13-889C will be retired. Each acre of alfalfa has historically consumed 2.19 AFA, providing 15.6 AFA from 7.1 irrigated acres. Each acre of pasture has historically consumed 1.76 AFA, providing 3.9 AFA from 2.2 irrigated acres. The 9.3 acres, with a total of 19.5 AFA, to be dried up are located in the SWSW and SESW of Section 13, Township 13S Range 38E and are shown on Attachment #7b.

Irrigation Storage

Historical changes to these water rights, dating back to the original decree in 1920, have left these rights, and their sister splits from the parent rights, with ambiguous acreages. A review³ by James Cefalo, Water Resource Program Manager at the IDWR Eastern office, indicates that the acreage will need to be defined with assistance from the current owners and will require historical understanding of the water rights and its past transfers. He explains the relationship and proportions of the original decreed rights as follows:

"The 1904 water right is really a high-water or flood right. It is not in priority on the Bear River beyond the early summer. The other water rights would be the base or primary water rights. In combination, these base rights are good for 11.4 cfs. Assuming 624 irrigated acres, this equates to 0.018 cfs/acre (just under 1 inch/acre). When the high-water right is added to the mix, the total water available is 25.4 cfs and the ratio becomes 0.04 cfs/acre (exactly 2 inches/acre)."

¹ A type of managed land cover (or crop) that is typically used for beef cattle and only cut 3 times during a season. Evapotranspiration data was obtained at the time the Mitigation Plan for Application for Permit No. 13-7784 was prepared from Allen, Richard G. & Clarence W. Robison, 2009. *Evapotranspiration & Consumptive Irrigation Water Requirements for Idaho: Supplement updating the Time Series through December 2008*, Research Technical Completion Report, Kimberly Research & Extension Center, University of Idaho, Moscow, ID. Web address is : <http://www.kimberly.uidaho.edu/ETIdaho/>

² A type of managed land cover (or crop) that is typically grown for longer grazing periods. Described in the Allen and Robison report mentioned above.

³ Letter from James Cefalo, IDWR Water Resources Program Manager on October 27, 2011.

Historically, Applicant has irrigated approximately 182 acres using these water rights. Without a full due diligence, the final acreages under these rights are still ambiguous. Therefore, this transfer proposes to apply quantities based on a volume that can *actually* be diverted with the given diversion rates of each water right. As much as possible with the given information, the calculations preserve the original relationship of the base rights to the high water right. Table 1 includes the maximum diversion volume for each water right, the calculated mitigation quantities, and the remaining portions converted to irrigation storage.

This is a conservative approach to determine mitigation quantities, preserving the original ratios of the water rights, including the rate / acre as inferred from the original decreed rights. Since the base rights are more reliable, being available throughout the season, the burden of mitigation is applied to the base rights only. The high water right does not contribute any consumptive use to the mitigation. However, the high water right is reduced in diversion volume proportionate to the 9.3 acres that are retired.

Irrigated acres are reduced by the retired 9.3 acres.

Table 1. Calculations for Conversion to Mitigation and Irrigation Storage

WATER RIGHT ELEMENTS						MITIGATION				IRRIGATION STORAGE	
Water Rights	Season (days)	Div. Rate cfs	Max Daily Vol. AF	Max Season Vol. AF	% of Total Base Rights	Retired Acres	Diversion Volume AFA	CU Volume AFA	Diversion Rate cfs	Irrigation Storage AFA	Diversion Rate cfs
Calculations	Last Day - First Day	Given	Div Rate x 1.9835	Max Daily Vol. x Season	Div. Rate / Total Div. Rate (1.47)	Mitigation Acres (9.3) x % of Total	Retired Acres x 4 AFA	Retired Acres x % of Total Base Rts	Retired Acres x Rate per Acre (0.018 or 0.022)	Max Season Vol - Mitig. Vol	WR Div Rate - Mitig. Div Rate
13-885A	163	0.6	1.2	194.0	40.8%	3.80	15.18	8.0	0.07	178.8	0.53
13-886A	163	0.45	0.9	145.5	30.6%	2.85	11.39	6.0	0.05	134.1	0.40
13-887A	163	0.42	0.8	135.8	28.6%	2.66	10.63	5.5	0.05	125.2	0.37
Sum of Base		1.47	2.9	475.3	100.0%	9.30	37.20	19.5	0.17	438.1	1.30
13-889C	163*	3	6.0	969.9	100.0%	9.30	37.20	0.0	0.21	932.7	2.79
Total All	163	4.47	8.87	1445.20	100%	9.30	74.40	19.5	0.38	1370.80	4.09

*The season for the high water right 13-889C is likely going to be shorter due to priority curtailment. However, for the purpose of these calculations, the maximum season is used to display optimum quantities. The quantities under this right will be restricted by availability.

It is recognized that the quantities applied to the water rights through this transfer are not a final determination of acreage or volume. A thorough due diligence or adjudication may lead to an increase or reduction of the total acreage and storage volume allowed under these water rights. When a final determination is made, it is necessary that 9.3 acres and 19.5 AFA of the final quantities are permanently dedicated to mitigation to comply with the conditions of Permit No. 13-7784.

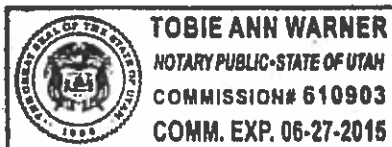
SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that MEADOWLARK RANCH, L.L.C., a Utah limited liability company (the "Company") hereby makes, constitutes and appoints Brent Hoffner as its true and lawful attorney in fact for it and in its name, place and stead and for its use and benefit:

1. Sec attached Exhibit A
2. To do and transact any and all other acts of whatsoever nature and kind as are necessary or reasonable to carry out the aforesaid powers and authority.

GIVING AND GRANTING unto said attorney in fact, full power and authority to do and perform each and every act and thing whatsoever requisite, necessary or reasonable to be done in and about the premises as fully to all intents and purposes as the Company might or could do if present, hereby ratifying and confirming all that said attorney in fact shall lawfully do or cause to be done by virtue of these presents.

IN WITNESS WHEREOF, the Company has caused this Special Power of Attorney to be executed this 21 day of April, 2014.



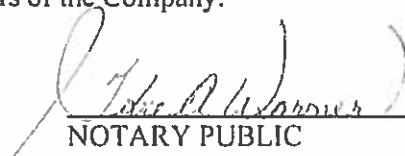
MEADOWLARK RANCH, L.L.C.



 Gregory S. Miller, Secretary

STATE OF UTAH)
 : ss
 COUNTY OF SALT LAKE)

On the 21 day of April, 2014, personally appeared before me Gregory S. Miller, who is known to me to be the person whose name is subscribed to this instrument, and acknowledged that he executed the same as Secretary of and on behalf of Meadowlark Ranch, L.L.C. by authority of a resolution of the Managers of the Company.



 NOTARY PUBLIC

EXHIBIT A

1. To execute documents on behalf of the Company related to the operation of the Meadowlark Ranch in Franklin and Bannock Counties, Idaho, and bind the Company thereby, with the following: the Mule Deer Initiative; the Elk Foundation; the Idaho Department of Water Resources; the Idaho Department of Fish and Game the Bureau of Land Management any other governmental agencies having jurisdiction over the operations of the Meadowlark Ranch; and any contractors or sub-contractors performing work on the Meadowlark Ranch.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 4, 2016

MEADOWLARK RANCH LLC
9350 S 150 E STE 1000
SANDY, UT 84070

RE: Transfer No. 80793
Water Right No(s). 13-885A, 13-886A, 13-887A, 13-889C

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 IDAHO STATE JOURNAL on 5/12/2016 and 5/19/2016. 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,

Judea Jones
Administrative Assistant

CC: ROCKY MOUNTAIN ENVIRONMENTAL ASSOC
C/O KRISTIN MOORE
482 CONSTITUTION WAY
IDAHO FALLS, ID 83402



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 4, 2016

Water District 13M
Lavon Gregersen
3129 W 7200 North
Preston Id 83263-5018

RE: Application for Transfer 80793

Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

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 during regional review. 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.

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

Sincerely,

Judea Jones
Administrative Assistant

Enclosure(s)

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No.: 80793

Applicant's Name: Meadowlark Ranch LLC

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional Comment:

Dated this _____ day of _____, 20____.

Water District No: 13M

Watermaster's Signature

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, May 04, 2016 3:41 PM
To: 'legals@journalnet.com'
Subject: Legal Notice for Your Newspaper
Attachments: Id State Journal Cover Ltr.RTF

Contacts: Idaho State Journal

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80793**

MEADOWLARK RANCH LLC, 9350 S 150 E STE 1000, SANDY, UT 84070; has filed Application No. 80793 for changes to the following water rights within BANNOCK County(s): Right No(s). 13-885A, 13-886A, 13-887A, 13-889C; 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:

Change the nature of use, change and add points of diversion, and change the place of use. The new uses will be Diversion to Storage, Irrigation Storage, Irrigation from Storage, Irrigation and Mitigation. Water will be stored in Meadowlark Reservoir (located in Sec 33 T12S R39E and Sec 4 T13S R39E). The proposed points of diversion are in SESE Sec 8 T12S R39E, SWNE Sec 33 T12S R39E (injection), SENW Sec 33 T12S R39E (rediversion), SWSW Sec 33 T12S R39E (injection), and SENW Sec 6 T13S R39E (rediversion) for 4.47 cfs from Cottonwood Creek. The proposed place of use is for 172.5 acres of irrigation within a 274.3 acre permissible place of use in Sections 13 and 24 T13S R38E, and Sections 18 and 19 T13S R39E.

For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. 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, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before 5/31/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/12/2016 and 5/19/2016