

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

80819

APR 11 2016

DEPT OF WATER RESOURCES
SOUTHERN REGIONMINIMUM 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) The McGrath 1998 TrustCheck 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

RECEIVED

APR 11 2016

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

DEPT OF WATER RESOURCES
SOUTHERN REGIONName of Applicant(s) The McGrath 1998 Trust Phone 510-693-5600Mailing address 190 Stonewall Rd, Berkeley, CA 94705 Email donmcgrath@diamondbearpartners.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 _____ Phone _____

Mailing address _____ Email _____

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

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

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ 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**.
 Transferring portions of water rights (previously jointly owned and now have been split 50/50 between owners in an ownership change) to other properties that are owned by the current water right owner. Point of diversion will move downstream approximately 0.9 miles (Govt Lot 3 (NENW) of Sec. 1, Twp 02S, Rge 20E).

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 ☒ ☐	37-22988	0.20	Irrigation	04/15 to 10/31	Silver Creek/Little Wood
☒ ☐	37-22989	0.20	Irrigation	04/15 to 10/31	Silver Creek/Little Wood
☒ ☐	37-22990	0.40	Irrigation	04/15 to 10/31	Silver Creek/Little Wood
☒ ☐	37-22991	0.50	Irrigation	04/15 to 10/31	Silver Creek/Little Wood
☒ ☐	37-22992	0.50	Irrigation	04/15 to 10/31	Silver Creek/Little Wood
☒ ☐	37-22993	0.10	Irrigation	04/15 to 10/31	Silver Creek/Little Wood
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.9 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.9 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 #
X	3		NE	NW	1	02S	20E			

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	
01S	20E	36											23.5						23.5
02S	20E	1					5	36	19	15									75.0
Total Acres (for irrigation use)																			98.5

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:

Lockable works and measuring devices will be installed as required. Water is pumped from Silver Creek for irrigation.

- 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:

- 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:

37-11896 - stockwater right owned by the McGrath 1998 Trust; Rediversion of portion of 37-22586 owned by SCI Properties LLC, leased to applicant and used for irrigation on adjacent lands.

- 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.: 37-22988

Current Owner: THE MC GRATH 1998 TRUST

Priority Date: 9/1/1887

Origin: Water Right

Status: Active

Basis: Decreed

Source

SILVER CREEK

Tributary

LITTLE WOOD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Diversion Rate

0.2 CFS

Annual Volume

Total Diversion

0.2 CFS

Location of Point(s) of Diversion

SILVER CREEK

SW1/4NW1/4NW1/4

Sec. 36, Twp 01S, Rge 20E B.M.

BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T01S R20E S35	NWNE	23.00	T01S R20E S35	SWNE	34.00
T01S R20E S35	SENE	20.00	T01S R20E S35	SENE	32.00
T01S R20E S35	NESE	30.00	T01S R20E S35	SWSE	28.00
T01S R20E S35	SESE	30.00			

Total Acres: 197

Conditions of Approval:

1. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 98.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS : 37-22989, 37-22990, 37-22992 & 37-22993.
2. 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.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. X27 This right is limited to the irrigation of 98.5 acres within the authorized place of use in a single irrigation season.

Decreed Date: 9/29/2006

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

Current Water Right No.: 37-22989

Current Owner: THE MC GRATH 1998 TRUST

Priority Date: 4/1/1888

Origin: Water Right

Status: Active

Basis: Decreed

Source

SILVER CREEK

Tributary

LITTLE WOOD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Total Diversion

Diversion Rate

0.2 CFS

0.2 CFS

Annual Volume

Location of Point(s) of Diversion

SILVER CREEK

BLAINE County

SW1/4NW1/4NW1/4

Sec. 36, Twp 01S, Rge 20E B.M.

Place of Use

IRRIGATION Within BLAINE County

T01S R20E S35	NWNE	23.00	T01S R20E S35	SWNE	34.00
T01S R20E S35	SENE	20.00	T01S R20E S35	SENE	32.00
T01S R20E S35	NESE	30.00	T01S R20E S35	SWSE	28.00
T01S R20E S35	SESE	30.00			

Total Acres: 197

Conditions of Approval:

1. X27 This right is limited to the irrigation of 98.5 acres within the authorized place of use in a single irrigation season.
2. 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(8), Idaho Code.
3. E58 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 88.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 37-22988, 37-22990, 37-22992 & 37-22993.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decreed Date: 9/29/2006

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

Current Water Right No.: 37-22990

Current Owner: THE MC GRATH 1998 TRUST

Priority Date: 4/1/1890

Origin: Water Right

Status: Active

Basis: Decreed

Source

SILVER CREEK

Tributary

LITTLE WOOD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Total Diversion

Diversion Rate

0.4 CFS

0.4 CFS

Annual Volume

Location of Point(s) of Diversion

SILVER CREEK

BLAINE County

SW1/4NW1/4NW1/4

Sec. 36, Twp 01S, Rge 20E B.M.

Place of Use

IRRIGATION Within BLAINE County

T01S R20E S35	NWNE	23.00	T01S R20E S35	SWNE	34.00
T01S R20E S35	SENE	20.00	T01S R20E S35	SENE	32.00
T01S R20E S35	NESE	30.00	T01S R20E S35	SWSE	28.00
T01S R20E S35	SESE	30.00			

Total Acres: 197

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 98.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 37-22988, 37-22989, 37-22992 & 37-22993.
3. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. 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.

Decreed Date: 9/29/2006

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

Current Water Right No.: 37-22991

Current Owner: THE MC GRATH 1998 TRUST

Priority Date: 8/4/1936

Origin: Water Right

Status: Active

Basis: Decreed

Source

SILVER CREEK

Tributary

LITTLE WOOD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Total Diversion

Diversion Rate

0.5 CFS

0.5 CFS

Annual Volume

Location of Point(s) of Diversion

SILVER CREEK

BLAINE County

SW1/4NW1/4NW1/4

Sec. 36, Twp 01S, Rge 20E B.M.

Place of Use

IRRIGATION Within BLAINE County

T01S R20E S35	NWNE	23.00	T01S R20E S35	SWNE	34.00
T01S R20E S35	SENE	20.00	T01S R20E S35	SENE	32.00
T01S R20E S35	NESE	30.00	T01S R20E S35	SWSE	28.00
T01S R20E S35	SESE	30.00			

Total Acres: 197

Conditions of Approval:

1. K06 This right is limited to the irrigation of 25 acres within the place of use described above in a single irrigation season.
2. 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.
3. E58 The rights listed below are limited to the irrigation of a combined total of 98.5 acres in a single irrigation season. Combined Right Nos.: 37-22991 & 37-22992.

Decreed Date: 12/11/2009

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

Current Water Right No.: 37-22992

Current Owner: THE MC GRATH 1998 TRUST

Priority Date: 11/7/1918

Origin: Water Right

Status: Active

Basis: Decreed

Source

SILVER CREEK

Tributary

LITTLE WOOD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Total Diversion

Diversion Rate

0.5 CFS

0.5 CFS

Annual Volume

Location of Point(s) of Diversion

SILVER CREEK

BLAINE County

SW1/4NW1/4NW1/4

Sec. 36, Twp 01S, Rge 20E B.M.

Place of Use

IRRIGATION Within BLAINE County

T01S R20E S35	NWNE	23.00	T01S R20E S35	SWNE	34.00
T01S R20E S35	SENE	20.00	T01S R20E S35	SENE	32.00
T01S R20E S35	NESE	30.00	T01S R20E S35	SWSE	28.00
T01S R20E S35	SESE	30.00			

Total Acres: 197

Conditions of Approval:

1. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 25 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
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. SAVED OR DEVELOPED RIGHT INDEPENDENT OF PRIORITY DATE.
5. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 98.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 37-22988, 37-22989, 37-22990 & 37-22993.

Decreed Date: 9/29/2006

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

Current Water Right No.: 37-22993

Current Owner: THE MC GRATH 1998 TRUST

Priority Date: 11/1/1885

Origin: Water Right

Status: Active

Basis: Decreed

Source

SILVER CREEK

Tributary

LITTLE WOOD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Total Diversion

Diversion Rate

0.1 CFS

0.1 CFS

Annual Volume

Location of Point(s) of Diversion

SILVER CREEK

SW1/4NW1/4NW1/4

Sec. 36, Twp 01S, Rge 20E B.M.

BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T01S R20E S35	NWNE	23.00	T01S R20E S35	SWNE	34.00
T01S R20E S35	SENE	20.00	T01S R20E S35	SENE	32.00
T01S R20E S35	NESE	30.00	T01S R20E S35	SWSE	28.00
T01S R20E S35	SESE	30.00			

Total Acres: 197

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. X27 This right is limited to the irrigation of 98.5 acres within the authorized place of use in a single irrigation season.
3. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 98.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 37-22988, 37-22989, 37-22990 & 37-22992.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decreed Date: 9/29/2006

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 6 pages and 4 attachments.
Received by _____ Date 4-11-2016 Preliminary check by H Date 4-12-2016
Fee paid \$580- Date 4-4-2016 Received by DM Receipt # 5035366
Add'l fee paid _____ Date _____ Received by _____ Receipt # 5035367

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



Water Transfer Agreement

Recitals:

On or about August 4, 2005, Clint Stennett ("Stennett") and Roy E. Crawford ("Crawford") purchased a ranch, together with water rights, near Picabo, Idaho, from Mr. & Mrs. Moj Broadie ("the Broadies"). Because of a temporary moratorium or land subdivision in Blaine County, the ranch and water rights were purchased with Stennett and Crawford owning the property as tenants in common. When the moratorium was lifted, the approximately 552.5 acres of the former Broadie ranch was split. Stennett became the sole owner of approximately 244.2 acres; Crawford became the sole owner of approximately 237.15 acres; and joint ownership as tenants in common continued on approximately 71.145 acres. The water rights were not addressed in the land split transaction.

Subsequently, in November 2006, Don McGrath ("McGrath") purchased the interests of Clint Stennett. McGrath subsequently transferred his interest to the McGrath Trust ("McGrath Trust"). The McGrath Trust consequently owns approximately 244.2 acres in fee and is owner as tenants in common with Roy E. Crawford of approximately 71.145 acres.

At the time of the original sale of the ranch to Stennett and Crawford the existing water rights owned by the Broadies were used to irrigate part of the lands originally owned by the Broadies. For several years prior to the sale of the ranch to Stennett and Crawford, the Broadies leased part of a groundwater right from the owner of the Suzy Q Ranch, and put that water to beneficial use for irrigation on land owned by the Broadies. That groundwater right is now denominated water right number 37-22586, and the current lessor of the water right is SCI Properties LLC. At the present time, the place of use of water right 37-22586 is on land owned by the McGrath Trust. The Broadies also owned three separate water rights for domestic and

stockwater uses. The place of use of two of these rights is on land owned by the McGrath Trust and the place of use of the third right is on land owned by Crawford.

The McGrath Trust and Crawford now desire to split both the deeded and leased water rights so that each own one-half of the deeded irrigation water rights and each lease one-half of the leased irrigation water rights, and so that the stockwater and domestic water rights are owned by the owner of the land on which the place of use is designated. They have separately determined the location of the place of use for each of these separately owned water rights. However, because at the present time there is more land under irrigation on land owned by McGrath Trust than on land owned by Crawford, and because both McGrath Trust and Crawford lease their property to the same lessee, it is agreed that the place of use described in this water transfer agreement will not initially be split evenly between land owned by McGrath Trust, Crawford, with some water assigned to the jointly owned parcel. Crawford retains the right in his sole and absolute discretion, without notice to the McGrath Trust, to change the place of use of water rights owned or leased by him but initially assigned to a place of use on land owned by the McGrath Trust, and on the jointly-owned property, to any place designated by Crawford.

Now, therefore, it is agreed as follows:

1. Water rights 37-511, 37-512, 37-513, 37-1067A, 37-1213, and 37-2321 will be split on an even 50-50 basis between McGrath Trust and Crawford. McGrath Trust and Crawford have their sole, separate rights to designate the place of use of their respective water rights.
2. McGrath Trust will be the sole owner of water rights 37-11893 and 37-11896, while Crawford will be the sole owner of water right 37-11894. There will be no change in the place of use in these three rights.

3. Attached as Exhibit A to this Water Transfer Agreement is a map that shows the initial place of use as determined by McGrath and Crawford. This map reflects a change to the map initially emailed to Crawford by Bill Mills of the Idaho Department of Water Resources on June 15, 2015.

a. The deeded surface irrigation water rights owned by McGrath Trust will be “stacked” with a place of use as follows:

SWSW Section 36	23.5 Acres
NWNW Section 1	36 Acres
NENW Section 1	5 Acres
SWNW Section 1	19 Acres
SEnw Section 1	15 Acres
Total	98.5 Acres

b. The deeded surface irrigation water rights owned by Crawford will be stacked with a place of use as follows:

NWNE Section 35	15 Acres
SENE Section 35	2.8 Acres
NESE Section 35	23 Acres
SWSE Section 35	28 Acres
SESE Section 35	25.2 Acres
SWSW Section 36	4.5 Acres
Total	98.5 Acres

It is recognized that the 15 acres located on NWNE Section 35 is on land jointly owned by McGrath Trust and Crawford, and that the 4.5 acres located in SWSW Section 36 is on land owned by McGrath Trust.

c. The leased water right 37-22586 leased by McGrath Trust would have a place of use as follows:

NENE1, Section 2	41 Acres
SENE5, Section 2	32 Acres
SWNW, Section 1	15.8 Acres
Total	88.5 Acres

d. The leased water right 37-22586 leased by Crawford will have a place of use as follows:

SENE Section 35	32 Acres
SWNE Section 35	36 Acres
SENE Section 35	17 Acres
NWNE Section 35	.9 Acres
SESE Section 35	2.8 Acres
Total	88.7 Acres

It is recognized that the .9 acres in NWNE Section 35 is on land jointly owned by McGrath Trust and Crawford.

4. Crawford reserves the right to change the place of use at his sole discretion and without notice of the following owned surface water rights as follows:

NWNE Section 35	15 Acres (This is the jointly owned property)
SWSW Section 36	4.5 Acres (This is on land owned by McGrath Trust)
Total	19.5 Acres

5. Crawford reserves the right to change the place of use at his sole discretion and without notice of the following leased water right 37-22586 as follows:

NWNE Section 35	0.9 Acres
-----------------	-----------

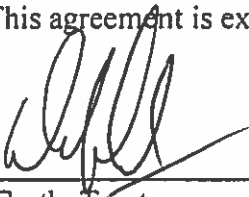
6. The place of diversion of surface irrigation rights owned by the McGrath Trust will change to the present location of the place of rediversion on Silver Creek in NENW of Section 1 of the leased water right 37-22586.

The place of diversion of surface irrigation rights owned by Crawford will not change.

The place of rediversion of water rights 37-22586 leased by Crawford will be at the place of diversion of surface irrigation rights owned by Crawford on the Suzy Q Ranch in NWNW of Section 36.

The place of rediversion of water right 37-22586 leased by the McGrath Trust will not change.

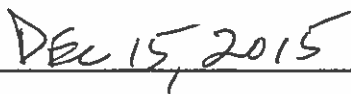
7. This agreement is executed in multiple counterparts, each of which will be an original.



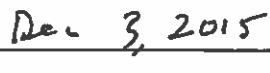
Don McGrath, Trustee
The McGrath Trust



Roy E. Crawford



Date



Date

AFTER RECORDING MAIL TO:

The McGrath 1998 Trust
Bank of the West, 180 Montgomery Street
San Francisco, CA 94104

QUITCLAIM DEED

File No.: 137046-K (sn)

Date: October 02, 2006

For Value Received, W. Clinton Stennett, a married man as his sole and separate property, do hereby convey, release, remise, and forever quit claim unto Don J. McGrath, Trustee of The McGrath 1998 Trust, whose address is Bank of the West, 180 Montgomery Street, San Francisco, CA 94104, herein after called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

See attached legal description

together with its appurtenances.

Dated: Nov 18, 2006

W. Clinton Stennett

W. Clinton Stennett

APN: 015200262090

Quitclaim Deed - continued

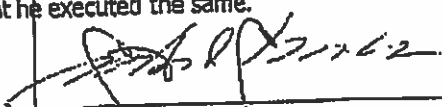
File No.: 137046-K (sn)
Date: 10/02/2006

STATE OF Idaho)

ss.

COUNTY OF Blaine)

11.8.06
On this ~~10/30/2006~~, before me, a Notary Public in and for said State, personally appeared W. Clinton Stennett, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same.



Notary Public of Idaho
Residing at: Bellevue, ID ~~HAYLET, ID~~
Commission Expires: ~~4-12-11~~ 5.8.10

As to an undivided $\frac{1}{2}$ interest in and to the following described property:

Parcel I

A parcel of land lying within portions of Sections 26 and 35, Township 1 South, Range 20 East, Boise Meridian, Blaine County, Idaho; being more particularly described as follows:

Commencing at an Aluminum Cap marking the Northwest Corner of said Section 35, proceed S $0^{\circ}17'38''$ E 2656.03 feet to a $\frac{5}{8}$ " rebar marking the West $\frac{1}{4}$ Corner of said Section 35; Thence S $89^{\circ}32'10''$ E, 1340.90 feet to the Southwest Corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 35, Thence N $00^{\circ}21'27''$ W, 1330.74 feet to a $\frac{5}{8}$ " rebar by PLS 7048 marking the Southwest Corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 35, which point is the TRUE POINT OF BEGINNING;

Thence continuing N $0^{\circ}21'25''$ W, 1301.09 feet along the Line between the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 35 to a $\frac{5}{8}$ " rebar by PLS 7048 marking the Southwest Corner of the Picabo Cemetery;
Thence N $89^{\circ}39'41''$ E, 263.86 feet along the Southerly Boundary of the Picabo Cemetery to a $\frac{5}{8}$ " rebar by PLS 7048 at a fencepost marking the Southeast Corner of said Cemetery;
Thence N $0^{\circ}50'54''$ E, 257.36 feet along the fence line marking the Easterly Boundary of said Cemetery to a $\frac{5}{8}$ " rebar by PLS 7048 on the Southerly Boundary of the former Railroad Right-of-Way;
Thence S $70^{\circ}40'26''$ E, 2279.85 feet along the Southerly Boundary of said former Railroad Right-of-Way to a $\frac{5}{8}$ " rebar by PLS 7048;
Thence 272.59 feet along a Curve to the Right with a Radius of 1804.19 feet, a Central Angle of $8^{\circ}39'24''$, a Tangent of 136.56 feet and Chord of 272.34 feet that bears S $66^{\circ}21'23''$ E, to a $\frac{1}{2}$ " rebar by PFP;
Thence S $0^{\circ}16'38''$ E, 712.41 feet along the line between the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 35 to a $\frac{1}{2}$ rebar with illegible cap;
Thence N $89^{\circ}39'07''$ W, 2663.90 feet along the line between the N $\frac{1}{2}$ of the N $\frac{1}{2}$ and the S $\frac{1}{2}$ of the N $\frac{1}{2}$ of said Section 35 to the TRUE POINT OF BEGINNING;
containing 3,099,080 square feet, (71.145 acres), more or less.

The described Parcel appears to be subject to a Prescriptive Use Easement by the Public of undetermined width along Cutoff Road and Cutoff Road Cutoff.

Parcel II

A parcel of land lying within a portion of Section 35, Township 1 South, Range 20 East, Boise Meridian, Blaine County, Idaho; being more particularly described as follows:
Commencing at an Aluminum Cap marking the Northwest Corner of said Section 35, proceed S $0^{\circ}17'38''$ E, 2656.03 feet to a $\frac{5}{8}$ " rebar marking the West $\frac{1}{4}$ Corner of said Section 35; Thence S $89^{\circ}32'10''$ E, 1340.90 feet to a $\frac{5}{8}$ " rebar by PLS 7048 marking

the Southwest Corner of the SE ¼ of the NW ¼ of said Section 35, which point is the TRUE POINT OF BEGINNING;
Thence N 0°21'27" W, 1330.74 feet along the line between the SW ¼ of the NW ¼ and the SE ¼ of the NW ¼ of said Section 35 to a 5/8" rebar by PLS 7048 marking the Northwest Corner of the SE ¼ of the NW ¼ of said Section 35;
Thence S 89°39'07" E, 2663.90 along the line between the N 1/2 of the N 1/2 and the S 1/2 of the N 1/2 of said Section 35 to a 1/2" rebar with illegible cap;
Thence S 89°16'39" E, 729.95 along the line between the N 1/2 of the N 1/2 and the S 1/2 of the N 1/2 of said Section 35 to a 1/2" rebar by PFP marking a point on the Southwesterly Boundary of the former Railroad Right-of-Way;
Thence 96.77 feet along a Non-Tangential Curve to the Right with a Radius of 1804.19 feet, a Central Angle of 3°04'23", a Tangent of 48.39 feet and a Chord of 96.75 feet that bears S 27°21'33" E, being the Southwesterly Boundary of said Railroad Right-of-Way, to a 5/8" rebar by PLS 7048;
Thence S 25°49'21" E, 1289.87 feet along the Southwesterly Boundary of said Railroad Right-of-Way to its intersection with the East Boundary of said Section 35, which point is witnessed by a 5/8" rebar by JUB lying S°01'32"E, 11.29 feet distant;
Thence S 0°22'43" E, 86.70 feet along the East Line of said Section 35 to a 5/8" rebar marking the East ¼ Corner of said Section 35;
Thence S 0°21'44" E, 2725.56 feet along the Easterly Line of said Section 35 to a 5/8" rebar by JUB marking the Southeast Corner of said Section 35;
Thence N 89°13'51" W, 2666.14 feet along the South Line of said Section 35 to a 5/8" rebar by LS907 marking the South ¼ Corner of said Section 35;
Thence N 0°14'21" W, 1351.49 feet to a 5/8" rebar by PLS 7048 marking the Northwest Corner of the SW ¼ of the SE ¼ of said Section 35;
Thence S 89°28'25" E, 1332.09 feet to a 5/8" rebar by PLS 7048 marking the Southwest Corner of the NE ¼ of the SE ¼ of said Section 35; Thence N 0°16'36" W, 985.48 feet along the Westerly Boundary of the NE ¼ of the SE ¼ of said Section 35 the Southwest Corner of an Idaho Power Substation, which point is witnessed by a copper/iron rod by Idaho Power that lies N 88°01'47" E, 6.38 feet distant;
Thence N 88°45'00" E, 251.38 feet along the Southerly Boundary of said Idaho Power Substation to a 5/8" rebar by PLS 7048 at a fence brace;
Thence N 35°49'00" W, 432.39 feet along the Northeasterly Boundary of said Idaho Power Substation, to its intersection with the Westerly Boundary of the NE ¼ of the SE ¼ of said Section 35, which point is witnessed by a copper/iron rod by Idaho Power in a fence line that lies S 35°49'00" E, 0.57 feet distant;
Thence N 0°16'36" W, 15.69 feet along the line between the NW ¼ of the SE ¼ and the NE ¼ of the SE ¼ of said Section 35 to a 5/8" rebar with no cap marking the NW Corner of said NE ¼ of the SE ¼;
Thence N 89°32'10" W, 2663.58 feet along the line between the N 1/2 and the S 1/2 of said Section 35 to the TRUE POINT OF BEGINNING; containing 10,330,450 square feet, (237.15 acres), more or less.

The described Parcel appears to be subject to a prescriptive use easement by the public of undetermined width along Cutoff Road and an unnamed Road running East-West through the Parcel connecting Cutoff Road with US Highway No. 20.

Parcel III

A parcel of land lying within portions of Section 36, Township 1 South, Range 20 East, and Sections 1 and 2, Township 2 South, Range 20 East, Boise Meridian, Blaine County, Idaho; being more particularly described as follows:

Commencing at a 5/8" rebar by JUB marking the Corner Common to Sections 35, 36, 1 and 2, which point is the TRUE POINT OF BEGINNING;

Thence N 0°21'44" W, 1362.83 feet along the West Line of said Section 36 to the Northwest Corner of the SW 1/4 of the SW 1/4 of said Section 36;

Thence N 89°58'01" E, 691.99 feet along the North Boundary of said SW 1/4 of the SW 1/4 of Section 36 to a 5/8" rebar by JUB at the Southwesterly Boundary of the former Railroad Right-of-Way;

Thence S 25°49'21" E, 1491.71 feet along the said Southerly Boundary of the former Railroad Right-of-Way to a 5/8" rebar by PLS 7048 marking its intersection with the line between the SW 1/4 of the SW 1/4 and the SE 1/4 of the SW 1/4 of said Section 36;

Thence S 0°29'18" E, 10.32 feet along the line between the SW 1/4 of the SW 1/4 and the SE 1/4 of the SW 1/4 of said Section 36 to its intersection with the Line between said Sections 1 and 36 to a 5/8" rebar by JUB;

Thence N 89°33'53" E, 4.89 feet along said line between Sections 1 and 36 to a 5/8" rebar by PLS 7048 on the Southwesterly Boundary of said former Railroad Right-of-Way;

Thence S 25°49'21" E, 2793.42 feet along said former Railroad Right-Way to a 5/8" rebar by PLS 7048;

Thence 137.70 feet along a Curve to the Right with a Radius of 1810.08 feet, a Central Angle of 4°21'31", a Tangent of 68.88 feet and a Chord of 137.66 feet that bears S 23°38'36" E, along said former Railroad Right-of-Way to a 5/8" rebar by PLS 7048 marking its intersection with the South Boundary of the SE 1/4 of the NW 1/4 said Section 1;

Thence S 89°35'33" W, 2604.04 feet to a 5/8" rebar by LS 1000 marking the Southwest Corner of said SW 1/4 of the NW 1/4 of said Section 1;

Thence S 0°01'25" W, 53.34 feet along the Line between said Sections 1 and 2 to an Aluminum Cap by PLS 7048 marking the Southeast Corner of US Govt. Lot 5 in said Section 2;

Thence N 89°44'58" W, 1421.51 feet to a 5/8" rebar by PLS 7048 marking the Southwest Corner of said US Govt. Lot 5;

Thence N 0°03'00" W, 2715.12 feet to a 5/8" rebar by PLS 7048 marking the Northwest Corner of US Govt. Lot 1 of said Section 2; Thence S 89°13'51" E, 1417.88 feet along the North Line of said Section 2 to the TRUE POINT OF BEGINNING; containing 10,455,165 square feet, (240.02 acres), more or less.

The described Parcel appears to be subject to a Prescriptive Use Easement by the Public of undetermined width along Cutoff Road.

Parcel IV

A parcel of land lying within a portion of Section 36, Township 1 South, Range 20 East, Boise Meridian, Blaine County, Idaho; being more particularly described as follows:

Commencing at a 5/8" rebar by JUB marking the Southwest Corner of said Section 36, proceed N 0°21'44" W, 1362.85 feet along the West Line of said Section 36 to a 5/8" rebar by JUB marking the Northwest Corner of the SW 1/4 of the SW 1/4 of said Section 36, Thence N 89°58'01" E, 691.99 feet to a 5/8" rebar by JUB marking the intersection of the North Line of said SW 1/4 of the SW 1/4 and the Southwesterly Boundary of the former Railroad Right-of-Way, Thence continuing N 89°58'01" E, 222.12 feet along said North Line of the SW 1/4 of the SW 1/4 to a 5/8" rebar by JUB marking its intersection with the Northeasterly Boundary of said former Railroad Right-of-Way, which point is the TRUE POINT OF BEGINNING;

Thence continuing N 89°58'01" E, 416.20 feet along said North Line of the SW 1/4 of the SW 1/4 to a 5/8" rebar by JUB marking the Northeast Corner of said SW 1/4 of the SW 1/4; Thence S 0°29'18" E, 875.78 feet along the East Line of said SW 1/4 of the SW 1/4 to a 5/8" rebar by JUB marking its intersection with the Northeasterly Boundary of said former Railroad Right-of-Way; Thence N 25°49'21" W, 972.63 feet along said Northeasterly Boundary of the former Railroad Right-of-Way to the TRUE POINT OF BEGINNING



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 29, 2016

THE MC GRATH 1998 TRUST
190 STONEWALL RD
BERKELEY, CA 94705

RE: Transfer No. 80819
Water Right No(s). 37-22988, 37-22989, 37-22990, 37-22991, 37-22992, 37-22993

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 MOUNTAIN EXPRESS** on **5/4/2016** and **5/11/2016**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**May 23, 2016**).

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,

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Friday, April 29, 2016 9:58 AM
To: 'Kevin Lakey'
Subject: Comment Letters - transfers 80802, 80818 & 80819
Attachments: Comment Letter to WM37 for 80802, 80818 & 80819.docx; Transfer 80802.pdf; Transfer 80818.pdf; Transfer 80819.pdf

Good morning Kevin,

Attached are copies of transfers 80802 (SCI Properties); 80818 (Crawford); and 80819 (McGrath) which are currently being processed. Please review the information and provide any necessary comments within 21 days.

Thank you in advance,

Denise @ IDWR



State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 29, 2016

KEVIN LAKEY
WATER DISTRICT #37
107 W 1ST
SHOSHONE, ID 83352

Via e-mail

RE: Transfer No. 80802
Water Right No(s). 37-22586

RE: Transfer No. 80818
Water Right No(s). 37-511, 37-512, 37-513, 37-1067A, 37-1213, 37-2321

RE: Transfer No. 80819
Water Right No(s). 37-22988, 37-22989, 37-22990, 37-22991, 37-22992, 37-22993

Dear Kevin:

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

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Friday, April 29, 2016 9:18 AM
To: Idaho Mountain Express
Subject: LEGAL NOTICE - CORRECTED
Attachments: Idaho Mtn Express ad.doc

Good morning,

I have a slight change on the legal notice I submitted yesterday afternoon. In the first line of the first paragraph (beginning with SCI Properties...) – the contact name is now different. Would it be possible to update & change this please? If not – it's not critical.

I have attached an entirely new legal notice with the correction – if it's easier to just replace the entire ad. Please let me know if this can be done.

Thank you,

*Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov*

Maline, Denise

From: Maline, Denise
Sent: Thursday, April 28, 2016 3:16 PM
To: Idaho Mountain Express
Subject: LEGAL NOTICE
Attachments: Idaho Mtn Express cover letter.docx; Idaho Mtn Express ad.doc

Attached please find (1) legal notice being submitted for publication on May 4th & 11th, 2016. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

*Denise Maline
Administrative Assistant I
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov*



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 28, 2016

LEGAL NOTICE DEPARTMENT
IDAHO MOUNTAIN EXPRESS
PO BOX 1013
KETCHUM, ID 83340

RE: Transfer No. 80802
Water Right No(s): 37-22586

RE: Transfer No. 80819
Water Right No(s): 37-22988, 37-22989, 37-22990, 37-22991, 37-22992, 37-22993

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 May 23, 2016. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80802**

SCI PROPERTIES LLC, C/O FREMONT PROPERTIES INC, ATTN DAVID COVIN, 199 FREMONT ST STE 2400, SAN FRANCISCO, CA 94105; has filed Application No. 80802 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22586. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes modifying a 5.60 cfs irrigation ground water right that is diverted and injected into Silver Creek approximately 8.0 miles west and 1.5 miles north of the Highway 20 & 93 intersection in Carey and rediverted at multiple locations from Silver Creek several miles downstream from the initial diversion. The right currently allows for the irrigation of 400 acres on farms located approximately 0.3 miles north to 1.5 miles south and 3.5 to 5.0 miles west of Carey. The application proposes adding an additional point of rediversion from Silver Creek located approximately one mile upstream of a currently authorized point of rediversion. This new point of rediversion consists of an existing diversion utilized by other Silver Creek water rights. The application also proposes changing the place of use of the right by rearranging the location of an 89.2 acre portion of the 400 acres to be irrigated.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80819**

THE MC GRATH 1998 TRUST, 190 STONEWALL RD, BERKELEY, CA 94705; has filed Application No. 80819 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22988, 37-22989, 37-22990, 37-22991, 37-22992, 37-22993. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes changing the point of diversion (POD) for six Silver Creek irrigation water rights (total of 1.9 cfs) to a new location at an existing POD located approximately 0.9 miles downstream of the current POD. Additionally, the transfer proposes moving the rights which allow the irrigation of 98.5 acres to a farm owned by the applicant. Current POU and POD are located approximately 4.4 to 5.5 miles west and 0.1 to 1.0 miles south of the intersection of Hwy 20 & 93 in Carey. Proposed POU and POD are located approximately 4.1 to 4.5 miles west and 0.9 to 1.5 miles south of Carey.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx . Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before May 23, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on May 4th & 11th, 2016

MEMORANDUM

Date: April 21, 2016
To: Transfer 80819
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #80819 were based on moving a total of 1.9 cfs used on 98.5 acres moving to new ground.

The current fee for the transfer of 1.9 cfs is \$580.00.

Additional fees were paid for two companion transfers on two receipts:

Transfer #80802: \$580.00 dollars for moving 1.24 cfs and Transfer #80818: \$200.00 for moving 0.09 cfs.

$\$200.00 + \$580.00 + \$580.00 = \$1360.00$ total fee.

\$680.00 paid on Receipt #S035366 and \$680.00 paid on Receipt #S035367.

MEMORANDUM

Date: April 18, 2016
To: Transfer 80819 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes changing the point of diversion (POD) for six Silver Creek irrigation water rights (total of 1.9 cfs) to a new location at an existing POD located approximately 0.9 miles downstream of the current POD. Additionally, the transfer proposes moving the rights which allow the irrigation of 98.5 acres to a farm owned by the applicant. Current POU and POD are located approximately 4.4 to 5.5 miles west and 0.1 to 1.0 miles south of the intersection of Hwy 20 & 93 in Carey. Proposed POU and POD are located approximately 4.1 to 4.5 miles west and 0.9 to 1.5 miles south of Carey.

The rights are as follows: 37-22988 (0.20 cfs); 37-22989 (0.20 cfs); 37-22990 (0.40 cfs); 37-22991 (0.50 cfs); 37-22992 (0.50 cfs) and 37-22993 (0.10 cfs).

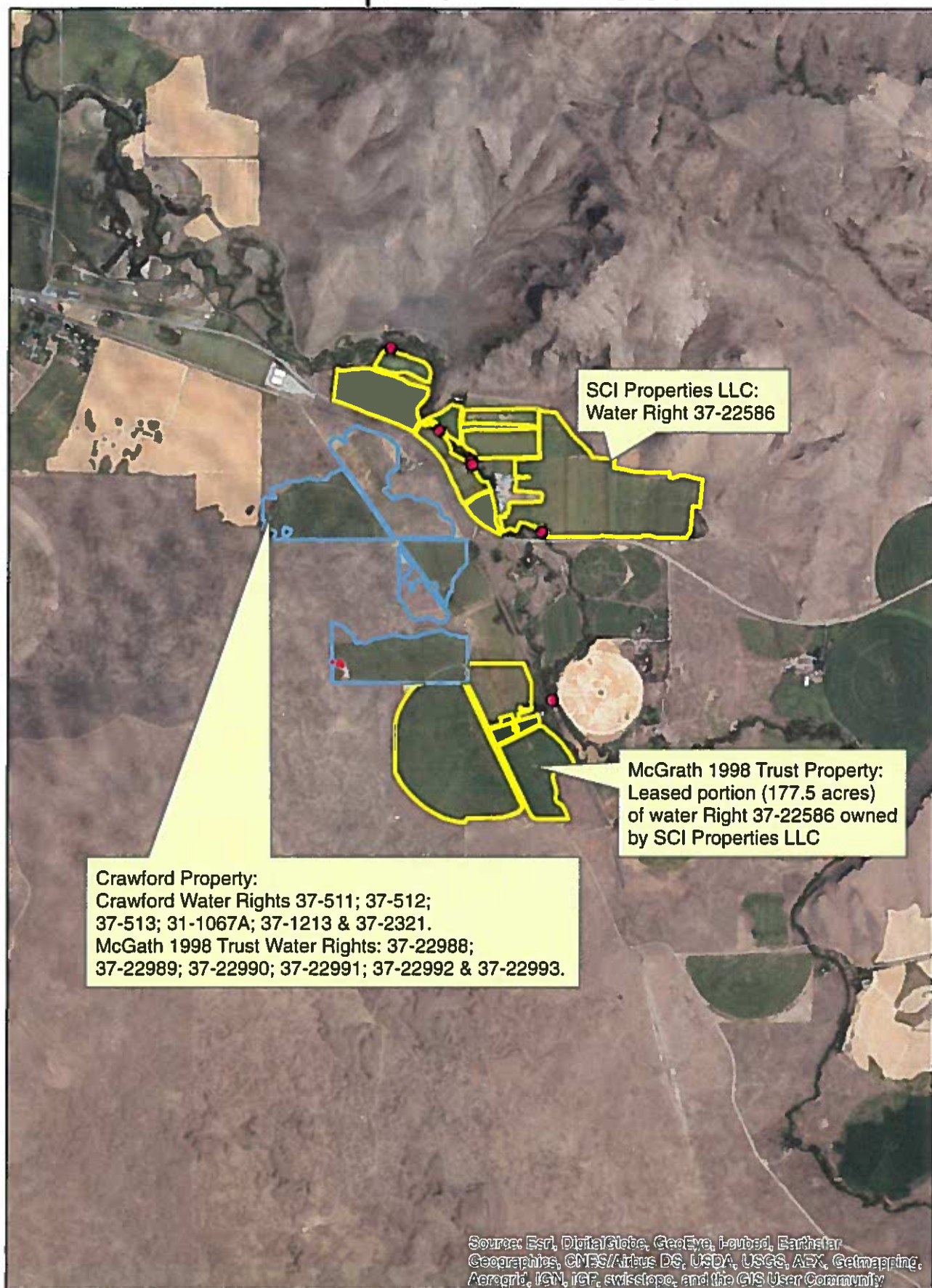
There are two companion transfer applications (#80802 and #80818) that accompany this transfer application. The McGrath 1998 Trust and Mr. Roy E. Crawford jointly owned six Silver Creek water rights that are appurtenant to property that Mr. Crawford owns. Those rights were recently split in an ownership change assigning half of each right to Mr. Crawford (1.9 cfs and 98.5 acres total) and the other half assigned to the McGrath 1998 Trust (1.9 cfs and 98.5 acres total). This transfer application (#80819) is now seeking to move the six rights owned by McGrath 1998 Trust to the McGrath property located on adjacent properties and also proposes changing the point of diversion (POD) to an existing diversion at the McGrath property. Additionally, the McGrath properties have been leasing a 177.5 acre portion of ground water right 37-22586 from SCI Properties LLC. That lease expired at the end of the 2015 irrigation season and a new lease has been drafted that reduces the number of acres leased to the McGrath properties from 177.5 down to 88.8 acres. This opens enough acreage on the McGrath property to transfer (#80819) his Silver Creek rights to his property to cover portions of the farm that were using the leased ground water right. Transfer #80802 moves 88.7 acres of the leased portion of the SCI Properties LLC ground water right from the McGrath property to the Crawford property to cover ground formerly irrigated by the portion of the Silver Creek water rights now owned by McGrath. Transfer #80802 also seeks to add a point of rediversion for the leased ground water right at the existing POD for Mr. Crawford's Silver Creek water rights to provide delivery of the leased water. Transfer application #80818 is consolidating the POU on the Crawford property for the six remaining Silver Creek water rights he owns from a 197 acre POU down to a 98.5 acre POU. If all the three transfers are approved, approximately half of the McGrath and Crawford properties will utilize their own privately held Silver Creek water rights and the other half of their properties will be irrigated using the ground water leased from the right owned by SCI Properties LLC (37-22586). The Silver Creek water rights POUs will not overlap with the SCI ground water right POUs on the Crawford and the McGrath farms. No changes are proposed for the remaining 222.5 acre portion of this right appurtenant to the SCI Properties LLC POU. See included Map1: Current POUs and MAP 2: Post Transfers POUs for reference.

PODs and POUs are all located in Water District 37 and Watermaster comments will be solicited.

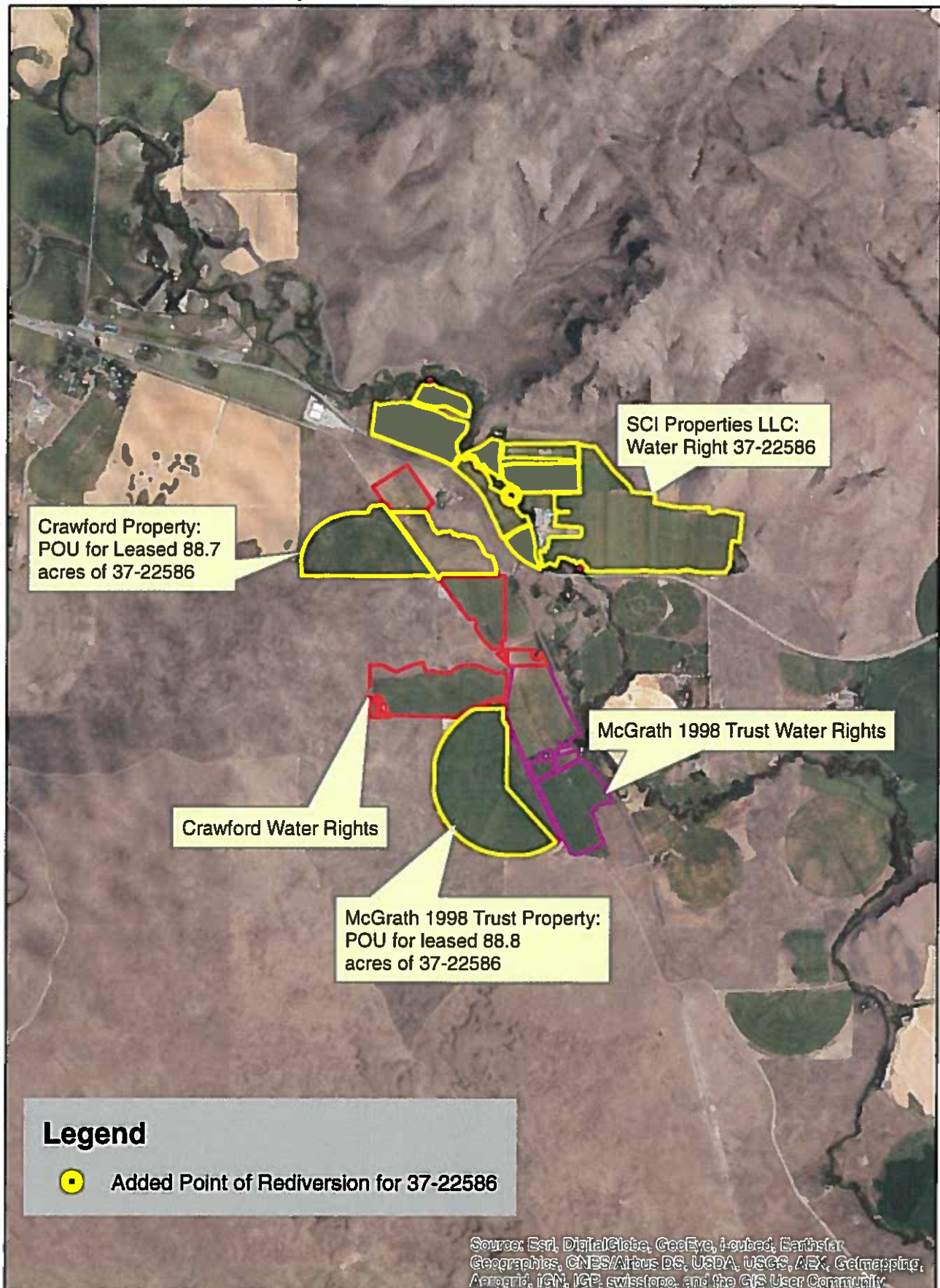
- **Authority to File:** IDWR records indicate that the applicant owns the water rights and properties involved in this transfer. A copy of ownership documentation was also provided since the transfer moves acres to new ground. A copy of a water use agreement that was drafted prior to these rights being split was also provided.
- **Water Right Validity:** All Water rights in this transfer were decreed in the SRBA on 9/29/2006. Recent aerial and satellite imagery indicates the properties involved with this transfer appear irrigated.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated. Application will be subject to public notice.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**
None Anticipated.

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

Map1: Current POUs



Map 2: Post Transfers POU's



Roy E. Crawford
165 Phillip Road
Woodside, CA 94062
(415) 203-9268
royecrawford@gmail.com

RECEIVED

APR 04 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

April 1, 2016

Bill Mills
Senior Water Resource Agent
State of Idaho
Department of Water Resources
650 Addison Ave. W., Suite 500
Twin Falls, Idaho 83301-5858

Dear Bill:

Earlier today, I emailed you a copy of the Water Lease Agreement between SCI Properties, L.L.C. as Lessor and Don McGrath and me as Lessee.

Enclosed are two checks, both in the amount of \$680, one by Don McGrath and one by me.

Also enclosed is a change of address form by Don. You may have previously received this, but we are sending another one just in case.

Please call or email me if there is anything else we need to do.

Very truly yours,


Roy E. Crawford

REC/dw
Enclosures

cc: Don McGrath

* Fees also cover transfer for SCI Properties.
\$680 - from Crawford SO35367
\$680 - from McGrath SO35366
4/4/2016