

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 80585

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) Dandrew Wine LLC

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

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

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

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

- ☒ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☒ ☐ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☒ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 17 2015

WATER RESOURCES
WESTERN REGIONAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Dandrew Wine LLC Phone 206-267-5260
 Mailing address 1910 Fairview Ave. East, Suite 400, Seattle, WA 98102 Email mikew@preceptwine.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 Scott King, SPF Water Engineering, LLC Phone 208-383-4140
 Mailing address 300 E. Mallard Dr., Ste 350, Boise, ID 83706 Email sking@spfwater.com

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

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

Mike Williamson
 Signature of Applicant or Authorized Representative

MIKE WILLIAMSON COO/KFO
 Print Name and Title if applicable

10/8/15
 Date

 Signature of Applicant or Authorized Representative

 Print Name and Title if applicable

 Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☒ Change nature of use
☒ Add diversion point(s)
☐ Change period of use
☐ Change place of use
☒ Other Remove combined use condition
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
 (1) Change/add wells to rights to reflect an integrated system; (2) change nature of use on right 63-28919 from exempt domestic use to exempt commercial use (limited to 2,500 gpd) to more accurately define current water use; and (3) limit diversion under right 63-11205 to 0.13 cfs so that when combined with right 63-8469, flow rate does not exceed the original system capacity of 0.84 cfs enabling removal of the combined use condition.

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 ☒ ☐	63-11205	0.13/1.0	Commercial	1/1 to 12/31	Ground Water
☒ ☐	63-28919	0.04	Commercial	1/1 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.17 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.17 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 #
N			SW	SE	23	3N	4W	Canyon	Ground Water	D0000171
N			SW	SE	23	3N	4W	Canyon	Ground Water	D0015085
Y			SW	SE	23	3N	4W	Canyon	Ground Water	Proposed
N			SW	SE	23	3N	4W	Canyon	Ground Water	1918 well

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	
Total Acres (for irrigation use)																			

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:
3 existing wells, 1 proposed well, provide commercial use for a combination winery, retail store, tasting room and special events. Measuring devices & lockable controlling works will be accommodated upon Department request.
- b. Who owns the property at the point(s) of diversion? Sunny Slope Fruit Co.
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Applicant has contract for purchase. See attached authorization from current owner.
- 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:
n/a

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
None.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:
 Yes No
☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?
 If yes, describe:

80585

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

Current Water Right No.: 63-11205

Current Owner: STE CHAPELLE

Priority Date: 2/28/1990

Origin: Water Right

Status: Active

Basis: License

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

COMMERCIAL

1/01 to 12/31

0.2 CFS

1 AF

Total Diversion

0.2 CFS

1 AF

Location of Point(s) of Diversion

GROUND WATER

SW1/4SE1/4

Sec. 23, Twp 03N, Rge 04W B.M.

CANYON County

Place of Use

COMMERCIAL Within CANYON County

T03N R04W S23

SWSE

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Rights 63-08469 and 63-11205 when combined shall not exceed a total diversion rate of 0.84 cfs.
Commercial use is for a combination winery, retail store and tasting room.
4. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Licensed Date: 7/26/1994

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

Current Water Right No.: 63-28919

Current Owner: SUNNY SLOPE FRUIT CO

Priority Date: 7/1/1918

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

DOMESTIC

1/01 to 12/31

0.04 CFS

Total Diversion

0.04 CFS

Location of Point(s) of Diversion

GROUND WATER

NE1/4SW1/4SE1/4

Sec. 23, Twp 03N, Rge 04W B.M.

CANYON County

Place of Use

DOMESTIC Within CANYON County

T03N R04W S23

SWSE

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. PARCEL NO. R03N04W238400
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Decreed Date: 5/26/2000

~~COANNED~~
~~FEB 25 2018~~

~~SCANNED~~
~~FEB 25 2010~~

Attachment #1

DANDREW WINE LLC

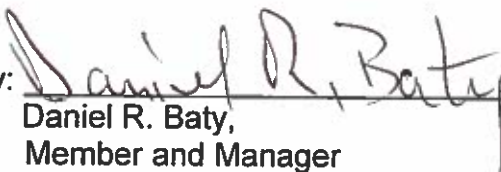
OFFICER AUTHORIZATION CERTIFICATE

Daniel R. Baty, being a member, majority interest owner in, and sole manager of, Dandrew Wine LLC, a Washington Limited Liability Company ("Dandrew"), hereby consents to and authorizes the following actions:

1. Mike Williamson ("Williamson"), Chief Operating Officer and Chief Financial Officer of Dandrew is hereby authorized and directed to sign on behalf of Dandrew, that certain *Application for Transfer of Water Right*, dated October 8, 2015, for filing with the State of Idaho, Department of Water Resources (the "Application"), a copy of which is attached hereto; and,
2. Further, Williamson is hereby authorized and directed to sign, do and perform any or all other acts or things in any way, relating to that certain Application, including amending or modifying the Application, as he deems necessary, advisable or appropriate, to carry out the purpose and intent of the filing made on behalf of Dandrew regarding the water rights described in the Application.

IN WITNESS WHEREOF, the undersigned has executed this Officer Authorization Certificate as of the 8th day of October, 2015.

DANDREW WINE LLC

By: 
Daniel R. Baty,
Member and Manager

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: **Application for Permit & Transfer of Water Rights for Dandrew Wine LLC**

To Whom It May Concern:

Sunny Slope Fruit Co., LLP, an Idaho limited liability partnership, owns the place of use and existing points of diversion proposed on the attached *Application for Transfer of Water Right*, dated October 8, 2015 and the attached *Application for Permit*, dated October 8, 2015, submitted by Dandrew Wine LLC to the State of Idaho Department of Water Resources. Dandrew Wine LLC has an option to purchase the Ste. Chapelle Winery property (the place of use and existing points of diversion) from Sunny Slope Fruit Co., LLP. Sunny Slope Fruit Co., LLP approves the attached *Application for Transfer of Water Right* and *Application for Permit* submitted by Dandrew Wine LLC.

Sincerely,

SEE APPENDUM BY HOGAN
Sunny Slope Fruit Co., LLP

[Signature]
Name

PARTNER
Title

Date: *23 Nov*
~~October~~, 2015

State of Idaho)

County of *Canyon*)

) SS.

Subscribed and sworn (or affirmed) before me this *23* day of *NOV*, 2015.

[Signature]
Notary Public

Residing at *Boise, ID*

My Commission Expires *7/26/2020*



4827-3857-3864.01

SCANNED
FEB 25 2016

00595

ATTACHMENT 2a

Addendum to Approval from Sunny Slope Fruit Company
for submittal to Dept. of Water Resources
of
Applications for Transfer of Water Right & Permit

This Addendum clarifies the purpose of the *Application for Transfer of Water Right*, dated October 8, 2015, and the *Application for Permit*, dated October 8, 2015, both of which are referenced in the attached approval from Sunny Slope Fruit Company., LLP.

If granted by the Idaho Department of Water Resources the *Application for Transfer of Water Right* will:

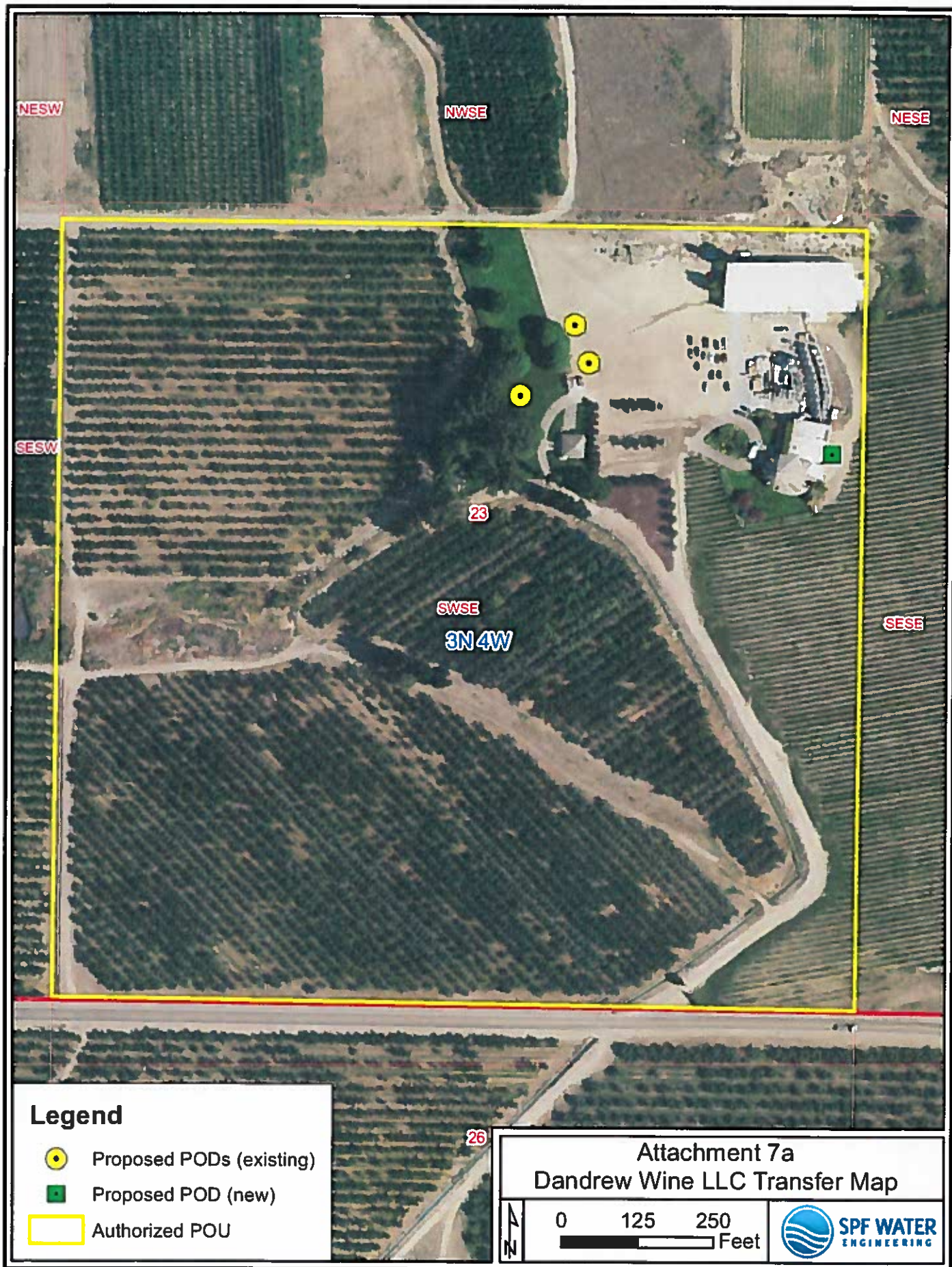
- Change the nature of use on Water Right 63-28919 (domestic use priority 1918, located on winery property) from domestic to commercial use
- Limit the diversion right on Water Right 63-11205 (commercial use for winery, located on winery property) to .13 cfs from the current .21 cfs
- Eliminate the combined use condition for Water Right 63-11205 (currently Water Right 63-11205 contains a 'condition of approval' that the diversion rate when combined with Water Right 63-8469 is not to exceed .84 cfs)

If granted by the Idaho Department of Water Resources the *Application for Permit* will:

- Increase the diversion rate to .24 cfs from Water Right 63-11205 and Water Right 63-28919, allowing up to 1.5 million gallons per year for commercial purposes at the existing winery, tasting room, retail store and for hospitality events

Dandrew Wine LLC

By: Tim Hogan
Tim Hogan, Attorney for Dandrew Wine LLC



Transfer No. 80585

FEB 25 2010