

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 80759**RECEIVED****MAR 17 2015**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) B & B Farms

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

MAR 17 2016

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) B & B Farms c/o Byron Jensen Phone 356-3521
Mailing address 5975 W 3800 S Rexburg, ID 83440 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 _____ 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.

Bradley Jensen
Signature of Applicant or Authorized Representative

Bradley Jensen
Print Name and Title if applicable

3/17/16
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.
This transfer proposes to list four wells as authorized points of diversion for water rights 22-2201A and 22-10624. All four proposed points of diversion are existing wells to be tied into the common delivery system. The transfer also proposes to rearrange the place of use for the water rights to reflect current irrigation system.

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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 ☒ ☐	22-2201A	13.90 / 5065	Irrigation	4/1 to 10/31	Ground Water
☒ ☐	22-10624	1.27 / 461.7	Irrigation	4/1 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 13.90 cfs and/or 5526.7 acre-feet.

2. Total amount of water proposed to be transferred or changed 7.00 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

↳ From new wells in Sec 12, 14

- ☐ 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			NW	SW	1	05N	40E	Madison	Ground Water	
N			NW	SW	1	05N	40E	Madison	Ground Water	
Y			NE	SW	12	05N	40E	Madison	Ground Water	
Y			NW	NE	14	05N	40E	Madison	Ground Water	

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	
05N	40E	1			46.0	21.4			31.5	44.7	34.0	22.9	40	40	9.0	39.3	22.5		351.3
		2			42.5	42.5				25.0	7.7				40	39.5	32.4	40	269.6
		11	39.0	31.5	40	38.0	4.0			11.4	8.4			0.3	40	40	34.2	23.3	310.1
		12		1.2			34.5	40	40	18.8	36.4	39.7	29.3	39.5					279.4
		13					40	38.5	36.7	38.2	36.2	32.4	29.7	36.5					288.2
		14	3.0	5.5		1.0	37.0	10.7	11.3	11.8									80.3
Total Acres (for irrigation use)																			1578.9

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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:

Four wells will be tied into a common delivery system. Ground is not currently in a water district. Measuring devices can be installed in the future, if needed.

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

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

Well in Sec 14 still owned by Applicants

- 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: N/A Irrigated acres are being slightly rearranged, but are not being moved off of the farm.

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:

Water rights authorize 1,578.9 acres of irrigation. Proposed place of use covers 1,578.9 acres. All other ground is dry.

- 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:

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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:

N/A

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid 980.00 Date 3-17-16 Received by JS Receipt # E041921

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

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

3/15/2016

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	B & B FARMS C/O BYRON JENSEN 5975 W 3800 S REXBURG, ID 83440 (208)356-3521

Status: Active

Tributary

Volume

5.065.0 AF

5,065.0 AF

Sec. 1, Twp 05N, Rge 40E, MADISON County

IRRIGATION within MADISON County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	40E	1	17.0 L1	46.0 L2			45.0 L3	40.0 L4			33.0	21.0	40.0	39.0	6.9	39.0	21.0		347.9
05N	40E	2	43.0 L1	42.0 L2			26.0 L3				8.4				40.0	40.0	33.0	40.0	272.4
05N	40E	11	39.0	28.0	38.0	39.0	2.8			10.0	6.9				40.0	40.0	34.0	26.0	303.7
05N	40E	12		1.1			34.0	39.0	39.0	19.0	39.0	39.0	32.0	39.0					281.1
05N	40E	13					40.0	40.0	35.0	40.0	40.0	23.0	18.0	40.0					276.0
05N	40E	14	8.1	6.8		0.2	38.0	16.0	16.0	12.0		0.7							97.8

POU Total Acres: 1,578.9

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.	E51	Right Nos. 22-2201A and 22-10624 are limited to a total combined diversion rate of 13.9 cfs.

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Proof Report

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3. K06 This right is limited to the irrigation of 1447 acres within the place of use described above in a single irrigation season.
4. K01 Right No. 22-10624 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
5. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
6. E55 Right Nos. 22-2201A and 22-10624 are limited to the irrigation of a combined total of 1578.9 acres in a single irrigation season.

3/15/2016

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	B & B FARMS C/O BYRON JENSEN 5975 W 3800 S REXBURG, ID 83440 (208)356-3521

Status: Active

Tributary

GROUND WATER	NENWSW	Sec. 1, Twp 05N, Rge 40E,	MADISON County
GROUND WATER	NENWSW	Sec. 1, Twp 05N, Rge 40E,	MADISON County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	40E	1	17.0 L1	46.0 L2			45.0 L3	40.0 L4			33.0	21.0	40.0	39.0	6.9	39.0	21.0		347.9
05N	40E	2	43.0 L1	42.0 L2			26.0 L3				8.4				40.0	40.0	33.0	40.0	272.4
05N	40E	11	39.0	28.0	38.0	39.0	2.8			10.0	6.9				40.0	40.0	34.0	26.0	303.7
05N	40E	12		1.1			34.0	39.0	39.0	19.0	39.0	39.0	32.0	39.0					281.1
05N	40E	13					40.0	40.0	35.0	40.0	40.0	23.0	18.0	40.0					276.0
05N	40E	14	8.1	6.8		0.2	38.0	16.0	16.0	12.0		0.7							97.8

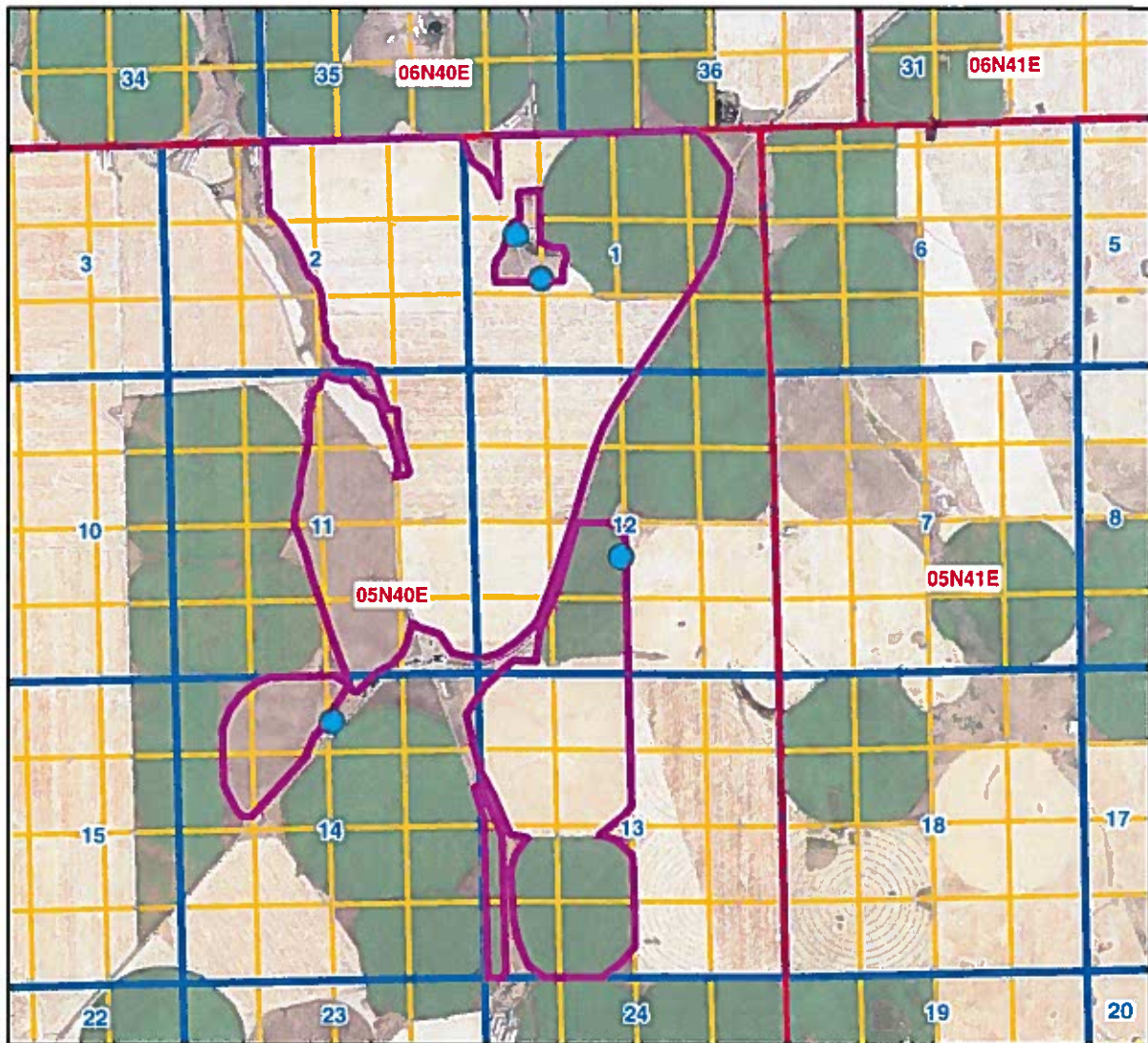
1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	E51	Right Nos. 22-2201A and 22-10624 are limited to a total combined diversion rate of 13.9 cfs.
3.	E55	Right Nos. 22-2201A and 22-10624 are limited to the irrigation of a combined total of

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Proof Report

3/15/2016

- 1578.9 acres in a single irrigation season.
4. K09 This right is for an enlargement of 131.9 acres within the place of use described for this right.
 5. K02 This right is based upon an enlargement of Right No. 22-2201A pursuant to Section 42-1426, Idaho Code.
 6. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

Application for Transfer (B&B Farms)



2013 Aerial Photo



0 0.5 1 Miles



No. L 856	Due no later than Jan 31, 2016 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. B & B FARMS LIMITED PARTNERSHIP BYRON JENSEN 5975 W. 3800 S. REXBURG ID 83440		BYRON JENSEN 5975 W 3800 S REXBURG ID 83440			
			3. <u>New</u> Registered Agent Signature:*			
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
GENERAL PARTNER	BYRON G. JENSEN	5975 W 3800 S	REXBURG	ID	USA	83440
GENERAL PARTNER	BRADLEY B. JENSEN	2509 S 5500 W	REXBURG	ID	USA	83440
5. Organized Under the Laws of: ID L 856		6. Annual Report must be signed.* Signature: BYRON JENSEN Name (type or print): BYRON JENSEN Date: 12/21/2015 Title: GENERAL PARTNER				
Processed 12/21/2015		* Electronically provided signatures are accepted as original signatures.				

80759



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

March 23, 2016

B & B FARMS
C/O BYRON JENSEN
5975 W 3800 S
REXBURG, ID 83440

RE: Transfer No. 80759
Water Right No(s). 22-10624, 22-2201A

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 REXBURG STANDARD JOURNAL on 4/1/2016 and 4/8/2016. 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

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, March 23, 2016 2:59 PM
To: 'Legals'
Subject: Legal Notice for Your Newspaper
Attachments: Rexburg Standard Journal.doc

Contacts: Rexburg Standard Journal - #241525

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. 80759

B & B FARMS, C/O BYRON JENSEN

5975 W 3800 S, REXBURG, ID 83440; has filed Application No. 80759 for changes to the following water rights within MADISON County(s): Right No(s). 22-10624, 22-2201A; 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 points of diversion, add points of diversion, and change the place of use. The points of diversion are in T5N R40E Sec 1 NWSW (2 wells), T5N R40E Sec 12 NESW, and T5N R40E Sec 14 NWNE for 13.90 cfs from ground water. The place of use is within Secs 1, 2, 11, 12, 13, and 14 of T5N R40E for 1578.9 acres.

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 4/18/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/1/2016 and 4/8/2016