

RECEIVED

DEC 21 2015

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No.

80588

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) BAR G FARMS ENTERPRISES

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

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DEPARTMENT OF
WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) BAR G FARMS ENTERPRISES Phone (208) 876-4215

Mailing address PO Box 175 May, ID 83253 Email bargfarms@gmail.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.

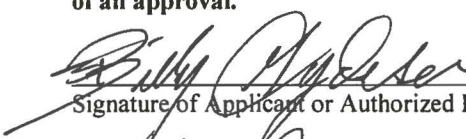
☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

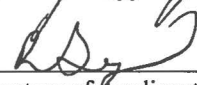
- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ 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

Billy Gydesen
Print Name and Title if applicable

12-11-15
Date


Signature of Applicant or Authorized Representative

Rivers Gydesen
Print Name and Title if applicable

12-11-15
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**.

The purpose of this transfer is to update the PODs to the correct QQ and to change the POU's to reflect current irrigation practices and proposed new irrigation practices. An additional application for transfer is proposing a change in the POU for WR 73-91 and 73-11980.

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 ☐ ☒	73-10005	3.9	Irrigation	4/1 to 10/31	Pahsimeroi - Salmon
☐ ☒	73-11981	2.25	Irrigation	4/1 to 10/31	Spring - Little Mud Creek
☐ ☒	73-11982	0.975	Irrigation	4/1 to 10/31	Pahsimeroi - Salmon
☐ ☒	73-11987	0.1	Irrigation	4/1 to 10/31	Spring - Sinks
☐ ☒	73-11993	1.5	Irrigation	4/1 to 10/31	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 8.725 cfs and/or 1043 acre-feet.

2. Total amount of water proposed to be transferred or changed 5.86 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 #
No*		SE	NW	SW	35	15N	21E	Custer	Spring - Little Mud Creek	*see attachment
No*		SE	NE	SE	35	15N	21E	Custer	Ground water	*see attachment

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	
15N	21E	35			22				12.3				5.5				2.4		42.2
15N	21E	34	5.5			34	40			40	40			40	16.3			40	255.8
Total Acres (for irrigation use)																			298

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:

See attachment

- b. Who owns the property at the point(s) of diversion? BAR G FARMS ENTERPRISES

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Proposed POD corrections will be on BAR G FARM property

- 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: The proposed changes in the POU's will continue to irrigate ground that is covered by the existing POU's. The changes in POU mostly address the source of water that will irrigate the POU's. An additional transfer application included in this package addresses other proposed changes in the POU's.
-
-
- 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: See attachment
-
-
-

- 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:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

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

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

[illegible]

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$980⁰⁰ Date 12-21-15 Received by dl Receipt # C101333

Add'l fee paid 500.⁰⁰ Date 12-21-15 Received by _____ Receipt # C101334

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

Attachment for Application for Transfer WR 73-10005, 73-11981, 73-11982, 73-11987, 73-11993

Part 1 B.3

The proposed transfer is updating the current PODs to reflect actual locations on the ground.

Part 1 5.a

73-10005 is diverted from the P-12 head gate into an open ditch to a trash screen and then piped to a series of pivots and risers. There is a flume measuring device just after the diversion.

73-11981 is diverted from a natural head water spring which flows into Little Mud Creek. The spring water is diverted at the head gate and uses the old P-11 ditch for conveyance. There is a flume measuring device right after the head gate. The water is distributed via flood and hand lines.

73-11982 is diverted from the P-12 head gate into an open ditch to a trash screen and then piped to a series of pivots and risers. There is a flume measuring device just after the diversion.

73-11987 is diverted/pumped from a natural spring that collects in the old P-11 ditch and is distributed via flood and hand lines. There is a measuring device on the pump.

73-11993 is a ground water well/pumping station and the water is distributed via flood and hand lines. There is a measuring device on the pump.

Part 1 5.f

These 5 waters rights are stacked and have a combined use limit of 298 acres: 73-10005, 73-11981, 73-11982, 73-11987, 73-11993. WR 73-10005 has an acre limit of 195; 73-11987 has an acre limit of 76 acres (which is delineated on the map), and WR-73-11993 has an acre limit of 170 acres. The proposed changes in two of the PODs do not share a POD with any other water right and are simply being updated.

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

Current Water Right No.: 73-10005

Current Owner: BAR G FARMS ENTERPRISES

Priority Date: 11/5/1889

Origin: Water Right

Status: Active

Basis: Decreed

Source

PAHSIMEROI RIVER

Tributary

SALMON RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

3.9 CFS

3.9 CFS

Annual Volume

Location of Point(s) of Diversion

PAHSIMEROI RIVER

CUSTER County

NE1/4SE1/4SW1/4

Sec. 1, Twp 14N, Rge 21E B.M.

Place of Use

IRRIGATION Within CUSTER County

T15N R21E S34	NENE	8.00	T15N R21E S34	NWNE	30.00
T15N R21E S34	SWNE	40.00	T15N R21E S34	SENE	38.00
T15N R21E S34	NESE	20.00	T15N R21E S34	NWSE	40.00
T15N R21E S34	SWSE	38.00	T15N R21E S35	SWNW	35.00
T15N R21E S35	SENE	3.00	T15N R21E S35	NESW	18.00
T15N R21E S35	NWSW	23.00	T15N R21E S35	SWSW	5.00

Total Acres: 298

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 195 acres within the place of use described above in a single irrigation season.
3. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. P29 This right is a combination of old Right Nos. 73-88, 73-89.
5. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 73
6. E55 Right Nos. 73-10005, 73-11981, 73-11993 and 73-11982 are limited to the irrigation of a combined total of 298 acres in a single irrigation season.
7. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Decreed Date: 3/3/2010

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

Current Water Right No.: 73-11981

Current Owner: BAR G FARMS ENTERPRISES

Priority Date: 2/18/1926

Origin: Water Right

Status: Active

Basis: Decreed

Source

SPRING

Tributary

LITTLE MUD CREEK

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION 04/01 to 10/31

2.25 CFS

STOCKWATER 01/01 to 12/31

0.5 CFS

Total Diversion

2.25 CFS

Location of Point(s) of Diversion

SPRING

SE1/4SW1/4

Sec. 35, Twp 15N, Rge 21E B.M.

CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T15N R21E S34	NENE	8.00	T15N R21E S34	NWNE	30.00
T15N R21E S34	SWNE	40.00	T15N R21E S34	SENE	38.00
T15N R21E S34	NESE	20.00	T15N R21E S34	NWSE	40.00
T15N R21E S34	SWSE	38.00	T15N R21E S35	SWNW	35.00
T15N R21E S35	SESW	3.00	T15N R21E S35	NESW	18.00
T15N R21E S35	NWSW	23.00	T15N R21E S35	SWSW	5.00

Total Acres: 298

Place of Use: STOCKWATER same as IRRIGATION

Conditions of Approval:

1. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
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. X02 Stockwater use is for 500 pair range cattle.
4. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
5. E56 The rights listed below are limited to the irrigation of a combined total of 298 acres in a single irrigation season. Combined Right Nos.: 73-10005, 73-11981, 73-11982, 73-11987, 73-11993.

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

Current Water Right No.: 73-11982

Current Owner: BAR G FARMS ENTERPRISES

Priority Date: 2/18/1926

Origin: Water Right

Status: Active

Basis: Decreed

Source

PAHSIMEROI RIVER

Tributary

SALMON RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

0.975 CFS

0.975 CFS

Annual Volume

Location of Point(s) of Diversion

PAHSIMEROI RIVER

CUSTER County

NE1/4SE1/4SW1/4

Sec. 1, Twp 14N, Rge 21E B.M.

PAHSIMEROI RIVER

CUSTER County

SE1/4NW1/4SE1/4

Sec. 35, Twp 15N, Rge 21E B.M.

Place of Use

IRRIGATION Within CUSTER County

T15N R21E S34	NENE	8.00	T15N R21E S34	NWNE	30.00
T15N R21E S34	SWNE	40.00	T15N R21E S34	SENE	38.00
T15N R21E S34	NESE	20.00	T15N R21E S34	NWSE	40.00
T15N R21E S34	SWSE	38.00	T15N R21E S34	SESE	5.00
T15N R21E S35	SWNW	35.00	T15N R21E S35	SENW	3.00
T15N R21E S35	NESW	18.00	T15N R21E S35	NWSW	23.00

Total Acres: 298

Conditions of Approval:

1. E55 Right Nos. 73-10005 73-11981, 73-11987, 73-11993 and 73-11982 are limited to the irrigation of a combined total of 298 acres 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.

Decreed Date: 3/3/2010

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

Current Water Right No.: 73-11987

Current Owner: BAR G FARMS ENTERPRISES
Priority Date: 2/18/1926
Origin: Water Right
Status: Active
Basis: Decreed

Source

SPRING

Tributary

SINKS

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.1 CFS	
	<u>Total Diversion</u>	0.1 CFS	

Location of Point(s) of Diversion

SPRING NE1/4SW1/4 Sec. 35, Twp 15N, Rge 21E B.M.
CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T15N R21E S35	SWNW	35.00	T15N R21E S35	SENW	3.00
T15N R21E S35	NESW	18.00	T15N R21E S35	NWSW	20.00
Total Acres: 76					

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 298 acres in a single irrigation season. Combined Right Nos.: 73-10005, 73-11981, 73-11982, 73-11987, 73-11993,
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.

Decreed Date: 3/3/2010

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

Current Water Right No.: 73-11993

Current Owner: BAR G FARMS ENTERPRISES

Priority Date: 4/1/1950

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	1.5 CFS	
	<u>Total Diversion</u>	1.5 CFS	

Location of Point(s) of Diversion

GROUND WATER
CUSTER County

SE1/4SW1/4 Sec. 35, Twp 15N, Rge 21E B.M.

Place of Use

IRRIGATION Within CUSTER County

T15N R21E S34	NENE	8.00	T15N R21E S34	NWNE	30.00
T15N R21E S34	SWNE	40.00	T15N R21E S34	SENE	38.00
T15N R21E S34	NESE	20.00	T15N R21E S34	NWSE	40.00
T15N R21E S34	SWSE	38.00	T15N R21E S35	SWNW	35.00
T15N R21E S35	SENW	3.00	T15N R21E S35	NESW	18.00
T15N R21E S35	NWSW	23.00	T15N R21E S35	SWSW	5.00

Total Acres: 298

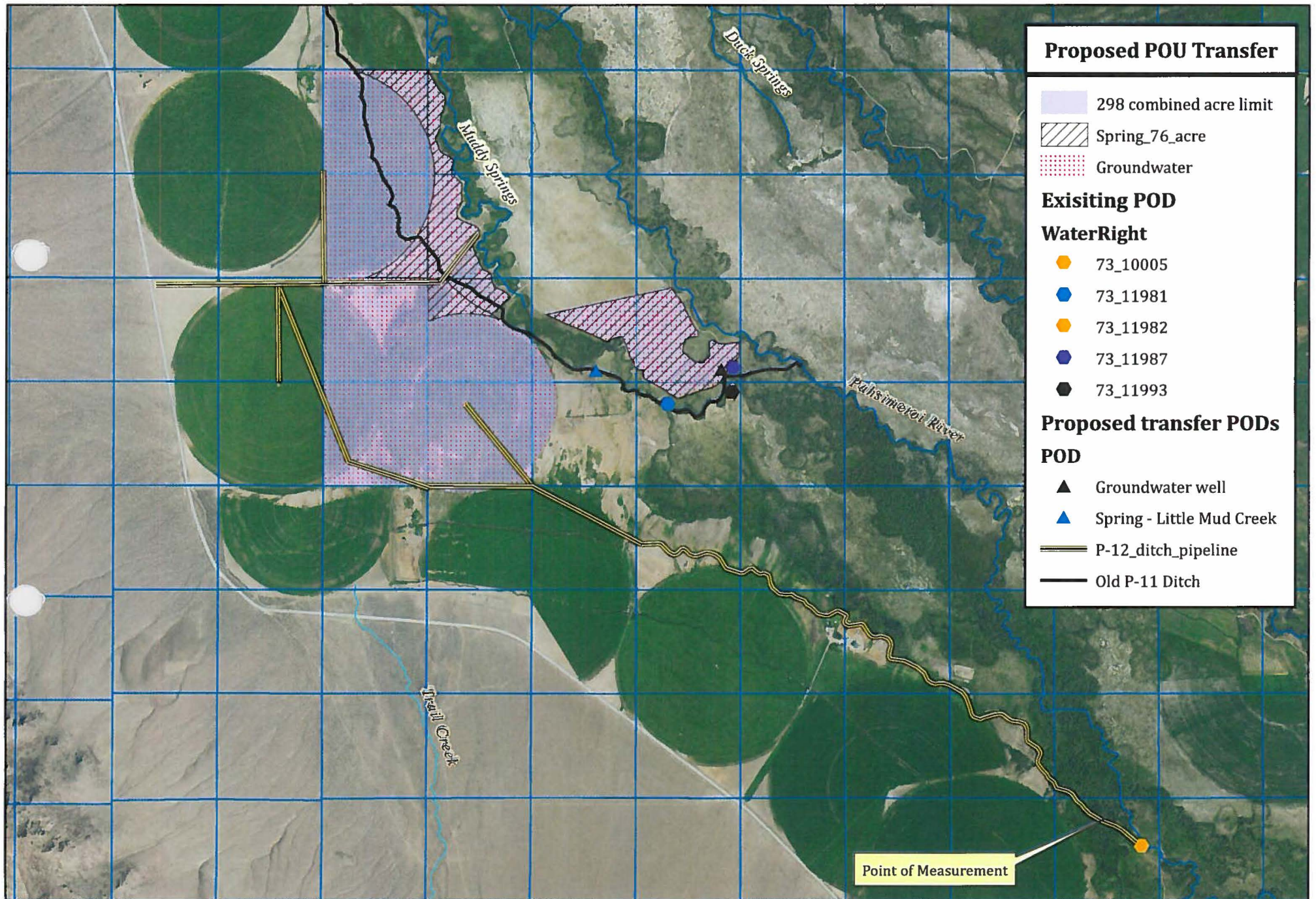
Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 298 acres in a single irrigation season. Combined Right Nos.: 73-10005, 73-11981, 73-11982, 73-11987, 73-11993.
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. X27 This right is limited to the irrigation of 170 acres within the place of use described above in a single irrigation season.

Decreed Date: 3/3/2010

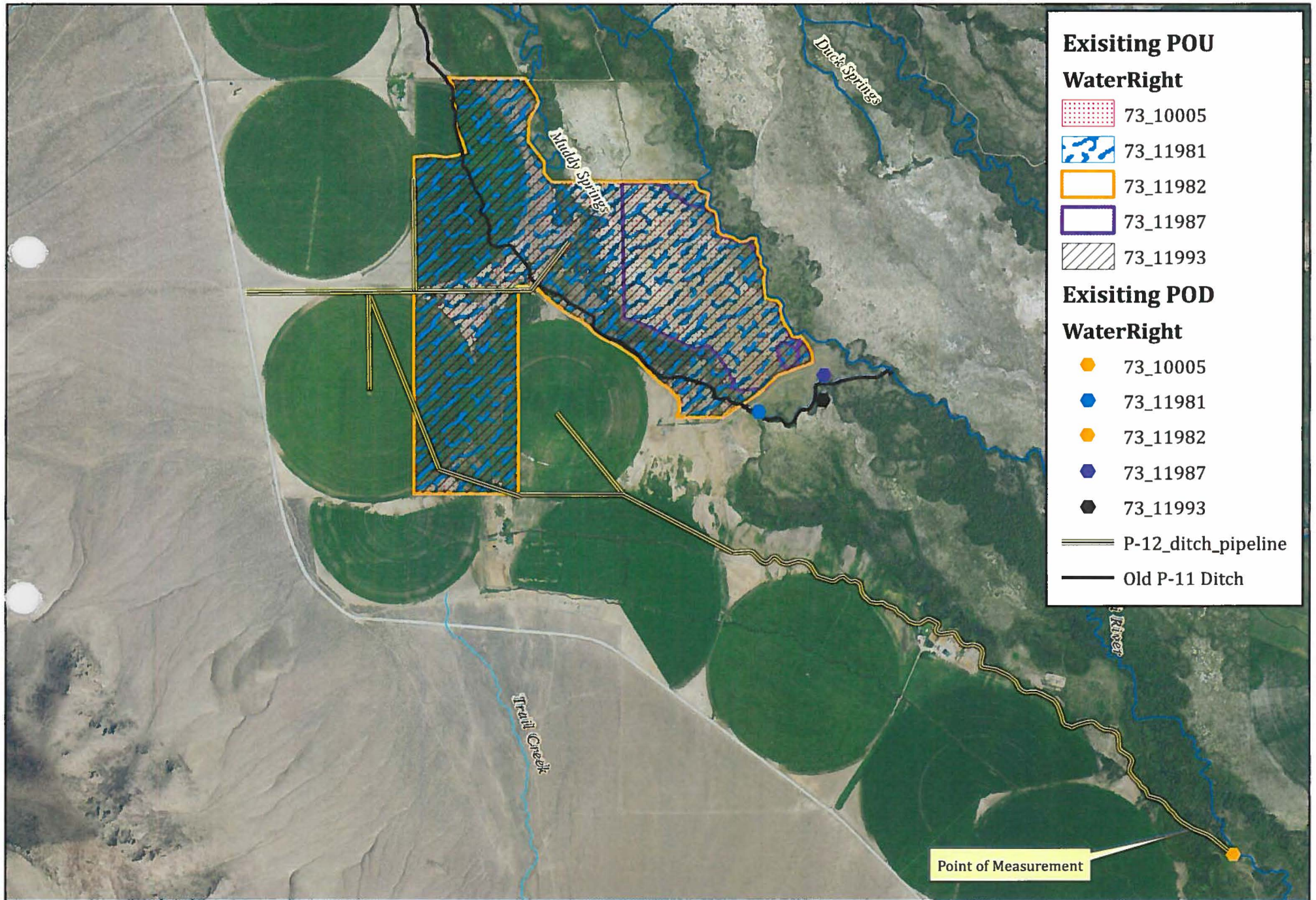
ATTACHMENT #7b

BAR G FARMS 73-10005, 73-11981, 73-11982, 73-11987, 73-11993



ATTACHMENT #7a

BAR G FARMS 73-10005, 73-11981, 73-11982, 73-11987, 73-11993



Fee Calculations								
298 Combined use limit	Source	Acre limit	POD change	CFS	Fee calculation	Acres transferring	Percent of total acres	CFS total to transfer
73-10005	Pahsimeroi	195	NO	3.9	Percentage of 195	88	0.45	1.76
73-11981	Spring - Mud Spring Creek	298	YES	2.25	Full amount	NA		2.25
73-11982	Pahsimeroi	298	NO	0.975	Percentage of 298	88	0.30	0.29
73-11987	Spring - Sinks	76	NO	0.1	Percentage of 76	50	0.66	0.07
73-11993	Ground Water	170	YES	1.5	Full amount	NA		1.50
							TOTAL	5.86

Hersley, Jean

From: Hersley, Jean
Sent: Monday, March 14, 2016 9:13 AM
To: 'ameans@challismessenger.com'
Subject: Legal Notice for Transfer No. 80588, 80589
Attachments: Legal Notice.docx

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 4/4/2016. Your cooperation is appreciated. Thank you.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 80588

BAR G FARMS ENTERPRISES, PO BOX 175, MAY, ID 83253; has filed Application No. 80588 for changes to the following water rights within CUSTER County(s): Right No(s). 73-10005, 73-11981, 73-11982, 73-11987, 73-11993; 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 point of diversion for 2 rights & change place of use of 296.5 irrigated acres to adjacent land owned by applicant in Section 3, T14N, R21E, & Sections 34 & 35, T15N, R21E.

TRANSFER NO. 80589

BAR G FARMS ENTERPRISES, PO BOX 175, MAY, ID 83253; has filed Application No. 80589 for changes to the following water rights within CUSTER County(s): Right No(s). 73-11980, 73-91; 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:

Changing irrigated acres within Sections 34 & 35, T15N, R21E to adjacent parcels owned by applicant.

For additional information concerning the property location, contact IDWR State office at (208) 287-4800; or for a full description of the transfer, please see

<http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm> 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, 322 E Front St, PO Box 83720, Boise ID 83720-0098 together with a protest fee of \$25.00 for each application on or before **4/4/2016**.

The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/17/2016 and 3/24/2016



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 14, 2016

BAR G FARMS ENTERPRISES
PO BOX 175
MAY, ID 83253

RE: Transfer No. 80588 & 80589
Water Right No(s). 73-10005, 73-11981, 73-11982, 73-11987, 73-
11993 & 73-11980, 73-91

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 CHALLIS MESSENGER on 3/17/2016 and 3/24/2016. 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,

A handwritten signature in cursive script that reads 'Jean Hersley'.

Jean Hersley
Technical Records Specialist



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

February 29, 2016

TED O NEAL
WATER DISTRICT #73
81 FUREY LN
MAY ID 83253

RE: Application Transfer Nos. 80588 and 80589

Dear Watermaster:

The Department of Water Resources is seeking written comment and/or recommendations from you regarding the above referenced Applications for Transfers. Please review the applications, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the applications are 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 offices can finish reviewing unprotested applications 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 applications and that you have no comments for IDWR to consider.

Sincerely,

Jean Hersley
Technical Records Specialist

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 14, 2016

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY
900 NORTH SKYLINE SUITE B
IDAHO FALLS, ID 83402

RE: Transfer No. 80588 & 80589

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right transfers. You can find copies of the applications at:
<http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of the transfers as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of these applications, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

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

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist II

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 14, 2016

IDAHO DEPARTMENT OF FISH & GAME
ATTN: TOM BASSISTA
4279 COMMERCE WAY
IDAHO FALLS ID 83401

RE: Transfer No. 80588 & 80589

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right transfers. You can find copies of the applications at:
<http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of the transfers as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of these applications, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

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

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist II

Enclosure(s)

c: Dept of Fish & Game- Salmon office

Hersley, Jean

From: Hersley, Jean
Sent: Monday, March 14, 2016 10:42 AM
To: Yenter, Cindy
Subject: application for transfer 80588 & 80589 for Bar G Farms

Basin 73. Documents are scanned and available in Docs.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

Edl, Michele

From: Shannon Gydesen [bargfarms@gmail.com]
Sent: Friday, March 11, 2016 1:50 PM
To: Edl, Michele
Subject: transfer documents
Attachments: IDWRtransfer.pdf

I apologize for the delay. Very busy week at work. Let me know if this is satisfactory.

Rivers G.

Ident. No. 80588

3/7/16

Ident. No. 80589

Attachment to: ☐ Application for Permit to appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

[illegible][illegible]

Page _____

~~SS~~ gal 3/7/16

[illegible]

MEMORANDUM

Date: March 2, 2016
To: Transfer 80588
From: Michele Edl
Re: Review & Evaluation of Sufficiency of Information

This application for transfer requested changes to 5 water rights held by the applicant. Two of the rights needed corrections to the POD locations. POU changes are requested for all five rights.

The original application map and PLS grid did not match. Corrections were provided via email and were approved by the applicant.

Authority to File: Bar G Farms is the right holder-of-record for the 5 rights involved in this transfer. IDSOS does not have an entry for either Bar G Farms or Bar G Farms Enterprises.

Available Custer County taxlot information shows that the POU and the PODs are property held by Bar G Farms Enterprises Trust. The application was signed by Billy Gydesen and Shannon (Rivers) Gydesen. I requested and received copies of documents which connect the Gydesens to the Bar G Farms Enterprises Trust.

Water Right Validity: Water Rights 73-10005, 73-11981, 73-11982, 73-11987 and 73-11993 were all decreed in the SRBA on March 3, 2010. Aerial photography shows that the places-of-use have been regularly irrigated. Forfeiture is not a concern at this time.

POU

The place-of-use shapes now total 296.5 acres, down 1.5 acres from the total pre-transfer 298 acre POU. (See enlargement section explanation).

PODs

Right 73-11993 was developed from ground water decades after the other four rights. Therefore that right appears to be for supplemental groundwater. The location of the well-POD is being corrected through this transfer to its actual location in NESW.

Water Right 73-11981 is from spring whose true origin is in the SWNWSW. The POD is being corrected through this transfer.

Both 73-10005 and 73-11982 are authorized to divert from the Pahsimeroi River. 73-11982 is currently authorized to divert from locally known diversions P-11 and P-12. In a conversation with the applicant, the diversion at P11 will no longer be used. Both rights will be diverted from P-12.

Injury to Other Water Rights: The POD locations from the Pahsimeroi River are being consolidated. There are other rights which divert from the river between P-11 and P-12. But review staff has no information indicating that other water rights will be injured.

The rights will be subject to control by the watermaster of WD# 73-Pahsimeroi River and the watermaster of WD# 170 Upper Salmon River Basin.

Enlargement of Use: No enlargement is evident through this transfer. There is 1.5 acres of overlap between transfer 80588 and 80589. The applicant has been required to shrink the PPUs of the transfers.

Local Public interest: Review staff has no information to suggest this application is inconsistent with the local public interest.

Beneficial Use/Conservation of Water Resources: The transfer appears consistent with the conservation of water resources in Idaho.

Effect on Economy the Local Area: Review staff has no information to suggest this transfer will negatively impact the economy of the local area.

Effect on Agricultural Base of the Local Area: Review staff has no information to suggest this transfer will negatively impact the economy of the local area.

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

Edl, Michele

From: Shannon Gydesen [bargfarms@gmail.com]
Sent: Tuesday, February 09, 2016 3:27 AM
To: Edl, Michele
Subject: Fwd: Map for reduction in 1.5 acres
Attachments: BAR G 1.5 acre.pdf

Michele,

The map seems to be in order. Let me know if there is anything else we need to do.

Rivers Gydesen

----- Forwarded message -----

From: Cassel, Amy <Amy.Cassel@idwr.idaho.gov>
Date: Sun, Feb 7, 2016 at 2:46 PM
Subject: Map for reduction in 1.5 acres
To: "bargfarms@gmail.com" <bargfarms@gmail.com>

Hi Billy and Rivers,

See attached. Let me know if this is what you had in mind, and if not, I can edit it accordingly. Sorry for the delay.

Thanks,

Amy Cassel

Project Coordinator, Water Transaction Program

Idaho Department of Water Resources

955 Riverfront Drive, Suite B

Salmon, ID 83467

Office: [\(208\) 756-6322](tel:(208)756-6322)

Cell: [\(208\) 577-1565](tel:(208)577-1565)

BAR G FARMS Transfer #80588 and #80589



Edl, Michele

From: Shannon Gydesen [bargfarms@gmail.com]
Sent: Wednesday, February 03, 2016 4:23 PM
To: Edl, Michele
Subject: Re: trust documents

Thank-you,

Amy Cassel called last night. She is in Seattle this week, but will forward the map as soon as she returns. Should be no problem to forward to you by Monday.

Rivers (Shannon) Gydesen

On Wed, Feb 3, 2016 at 10:44 AM, Edl, Michele <Michele.Edl@idwr.idaho.gov> wrote:

Shannon,

This is just a quick message to let you know that the emailed versions of your trust documents are sufficient for the water rights processes. You don't need to snail-mail paper copies also.

Michele

Date: MAY 17, 1993

BAR G FARMS INTERPRISES

P.O. Box 27413
TEMPE, AZ 85285

THIS DATE there was called a special meeting, pursuant to the Trust Organization Indenture and bylaws of the Board of Trustees for **BAR G FARMS INTERPRISES**, for the consideration of the contract engagement of **BILLY GYDESEN** as Trust Manager. The Board of Trustees now find it necessary for such Trust Manager, and, having considered the credentials of **BILLY GYDESEN** appoint him/her to the position of Trust Manager, his/her duties include, but are not limited to the day-to-day operations of the trust organization, with full authority, subject to the Board of Trustees.

MINUTE 01

There being no further business to come before this Special Meeting, upon a motion duly made, seconded and carried, the meeting was adjourned.



American Common Trust, FIRST TRUSTEE,
Douglas J. Carpa, Trust Officer

TRUST MANAGER APPOINTMENT



BAR G FARMS INTERPRISES
Board of Trustees/Special Meeting
Washington, D.C.

Date: **MAY 17, 1993**

Mailing address:
BAR G FARMS INTERPRISES
General Trust Account
P.O. Box 27413 Tempe, AZ 85285

Employer I.D. 52-6611644

I, the undersigned **FIRST TRUSTEE** of the Board of Trustees of **BAR G FARMS INTERPRISES** held in accordance with the Trust Indenture and Trust Organization Bylaws, and held on this date at the aforementioned address of this Trust, the following Minute was unanimously adopted as appears from the record of **BAR G FARMS INTERPRISES**, BE IT RESOLVED, BY THE BOARD OF TRUSTEES OF **BAR G FARMS INTERPRISES**,

1. THAT Billy & Shannon Gydesen hereby designated as one of the depositories of the funds of this Trust, for either savings or checking accounts, in the name of the Trust, for the purpose of deposit and collection; checks, drafts, notes wire transfers, investments and other like obligations, issued or drawn to and owned by this Trust; and is further resolved that endorsement for deposit and collection may be by the written or stamped endorsement to this Trust without designation of the party making the endorsement;
2. THAT, Billy & Shannon Gydesen and it is hereby authorized to pay out funds of this Trust on deposit with it from time to time upon checks or withdrawal from upon said depository and signed whose name appears in Section 3 below; whether said checks are payable in cash, bearer or the order of this Trust, or to any third party, or to the order of the maker, in either individual or official capacity;
3. That the following named individuals are authorized to sign checks and/or withdrawal forms drawn on said depository, open a safe deposit box in the name of this Trust, to-wit:

Billy Gydesen Trust Manager
BILLY GYDESEN, TRUST MANAGER

Shannon Gydesen, asst. trust manager
SHANNON GYDESEN ASST. TRUST MANAGER

IN WITNESS WHEREOF, I have hereunto subscribed my hand and seal as Manager for the **FIRST TRUSTEE** and do hereby Certify that the above and foregoing is a correct copy of the said Minute passed as herein set forth.

Douglas Carpa
AMERICAN COMMON TRUST,
FIRST TRUSTEE, Douglas J. Carpa, Trust Officer

AMERICAN COMMON TRUST
WASHINGTON, D.C.

SEAL

Edl, Michele

From: Edl, Michele
Sent: Monday, January 11, 2016 4:14 PM
To: 'bargfarms@gmail.com'
Cc: Cassel, Amy
Subject: Bar G Farms transfer
Attachments: DOC004.pdf

Ladies and Gentlemen,

This message is intended to serve two purposes. 1) Provide you with an early-bird copy of a letter which will be mailed from Boise tomorrow. I have attached a PDF of that letter.

And 2) provide you with my email and phone contacts.

Best Regards,
Michele Edl
208-287-4946



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

January 11, 2016

BAR G FARMS ENTERPRISES
PO BOX 175
MAY ID 83253

RE: Transfer 80588

Dear transfer applicants:

I have been assigned to review Application for Transfer of a Water Right number 80588 and 80589 which was received on December 21, 2015. I have completed a review of both transfer applications and have found that additional information is needed.

I found that the place-of-use for the rights involved in Transfer 80588 overlapped the place-of-use (POU) for the rights involved in Transfer 80589 by 1.5 acres. Because IDWR cannot approve the enlargement which would occur if these POUs were simply separated, one or the other place-of-use needs to be shrunk a little bit. Before I can continue processing these two transfers, I need a formal request from you to reduce the acreage in the POU of one of these transfers. I understand that Amy Cassel of IDWR's Salmon office has discussed this issue with you. At your earliest convenience, please submit a letter which identifies which place-of-use you have elected to shrink.

In addition, I need some clarification of a two other items.

- 1) According to available Custer County taxlot information, the property associated with these water rights is owned by Bar G Farms Enterprises Trust. The water rights themselves are owned by Bar G Farms Enterprises. But the transfer applications were signed by Billy Gydesen and Rivers Gydesen. How are Billy Gydesen and Rivers Gydesen authorized to sign for Bar G Farms Enterprises or Bar G Farms Enterprises Trust. Please help me connect the dots by providing additional information or a copy of the document which demonstrates the relationship.
- 2) Water right 73-10005 authorizes a single point -of-diversion from the Pahsimeroi River. That point-of-diversion (POD) is locally known as P-12. However, water right 73-11982 is authorized to divert from the Pahsimeroi River at two PODs. Those PODs are locally known as P-11 and P12. Application for transfer 80588 does not propose to change the PODs to your Pahsimeroi water rights, but the maps appear to abandon P-11 as a POD. Please clarify whether you intend that both PODs will continue in active use after the transfer and which rights will be diverted from which POD.

I can hold processing of these transfers for 30 days to provide you with time to submit the additional information. But the sooner you respond to these requests, the sooner I can proceed. Feel free to contact me with your questions.

Respectfully,



Michele Edl
Senior Water Rights Agent (E.I.T.)
Water Rights Section
Idaho Department of Water Resources
322 East Front Street
Boise, ID 83720-0098
Phone: 208-287-4946
Fax: 208-287-6700
Email: Michele.Edl@idwr.idaho.gov

ec: Amy Cassel



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

RECEIVED

DEC 21 2015

DEPARTMENT OF
WATER RESOURCES

December 18, 2015

RE: Applications for Water Supply Bank and Applications for Transfer – BAR G FARMS ENTERPRISES

Enclosed please find 12 separate applications for the Water Supply Bank and two applications for transfer. The WSB applications are based on conditions post-transfer, and the transfer applications primarily address POU changes and POD corrections.

Enclosed are two checks: \$500.00 for the Water Supply Bank applications, and \$980.00 for the transfer application fees. Please contact me directly regarding the remaining balance and payment of \$1500.00 for the WSB applications.

If you have any questions, please do not hesitate to contact me at (208) 577-1565 or amy.cassel@idwr.idaho.gov.

Sincerely,

Amy Cassel
Project Coordinator, Water Transaction Program
Idaho Department of Water Resources
955 Riverfront Drive, Suite B
Salmon, ID 83467

COPY

Transfer Applications

Application #1

73-10005

73-11981

73-11982

73-11987

73-11993

Application #2

73-91

73-11980