

RECEIVED

JUN 14 2011

Page 1 of DEPT. OF WATER RESOURCES
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78300
75870**APPLICATION FOR TRANSFER OF WATER RIGHT
MINIMUM REQUIREMENTS CHECKLIST**Southfield Properties, LLC
37-8732 (NOV Response)
Amended 6/1/2011

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 and water right proof report or details report for Part 2A of the transfer application are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

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 Proof Report (obtained from Department) or Details Report (obtained on website) 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 #1-9.

- ☐ ☒ #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 transfer 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).
- ☐ ☒ #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 <http://www.idwr.idaho.gov/water/rights/>.
- ☒ ☐ #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.
- ☐ ☒ #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.)
- ☒ ☐ #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 Other. Please describe: Mitigation provided through reduced volume at new POU - see attached ESPA analysis.

AMENDED #2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED

JUN 14 2011

DEPT. OF WATER RESOURCES
SOUTHERN REGIONName of Applicant(s) Southfield Properties, LLC Phone Mailing address 3308 S. 1600 E. Wendell, ID 83355 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 RepresentativeName of Representative TSK Enterprises, LLC. Attn: Gary Funderburg Phone (208) 320-0897Mailing address 255 Blue Lakes Blvd. N. PMB 617 Twin Falls, ID 83301 Email ☐ Send all correspondence for this application to the representative and not to the applicant.

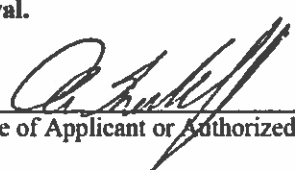
OR

☒ Send original correspondence to the applicant and copies to the representative.☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

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


 Signature of Applicant or Authorized Representative


 Print Name and Title if applicable

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change ^{place} place of use
☐ Change nature of use ☐ Change period of use ☒ Other Provide ESPA Mitigation
- 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**. Change the place of use for existing irrigation water rights. ESPA mitigation provided through reduced authorized volume at proposed P.O.U. This transfer is in response to N.O.V. issued following curtailment under water right 37-8237 (priority 4/13/1991) authorizing +11 acres within shared POU.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 07 2015

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 ContinuedDEPT OF WATER RESOURCES
SOUTHERN REGION

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
37-2549	1.86 / 176.0	IRRIGATION	3/15 to 11/15	GROUND WATER
37-2550	2.67 / 568.0	IRRIGATION	3/15 to 11/15	GROUND WATER
37-7370	3.26 / 652.0	IRRIGATION	3/15 to 11/15	GROUND WATER
37-7572	2.53 / 492.0	IRRIGATION	3/15 to 11/15	GROUND WATER
37-7634	1.31 /	IRRIGATION	3/15 to 11/15	GROUND WATER
37-8732	3.00 / (44.0)	IRRIGATION	3/15 to 11/15	GROUND WATER
to				
+37-2761B (split)	0.77 / 201.2	IRRIGATION	3/15 to 11/15	GROUND WATER
+37-8326 (split)	0.13 / 26.8	IRRIGATION	3/15 to 11/15	GROUND WATER
Total 10.80+0.90 cfs and/or 2348+171.5* ac-ft				

2. Total amount of water being transferred or changed 11.70 cubic feet per second and/or 2,519.5* acre-feet per annum.

3. Point(s) of Diversion:

*228.0 afa transfer, ESPA mitigation requires 56.5 afa set-aside

- ☐ 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 #
		NE	NE	NE	18	6S	14E	Gooding	Ground Water	Extg. Well #1
		NE	NE	NW	18	6S	14E	Gooding	Ground Water	Extg. Well #2
*		NE	NE	NE	18	6S	14E	Gooding	Ground Water	Extg. Well #3

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	
06S	14E	7	38	2	8	39					4			20	39	40	40	39	269
		18	39	40	40	39	40		15	40	40	42	14	12	22	34			417

Total irrigation within permissible place of use will be limited to 629.9 acres in a single irrigation season

* Per e-mail from Gary Funderburg dated April 25, 2016 BW.

Total Acres (for irrigation use)

686 PPU

FEB 26 2016

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

RECEIVED
JUL 21 2015
DEPT OF WATER RESOURCES
SOUTHERN REGION

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
37-2549	1.86 / 176.0	IRRIGATION	3/15 to 11/15	GROUND WATER
37-2550	2.67 / 568.0	IRRIGATION	3/15 to 11/15	GROUND WATER
37-7370	3.26 / 652.0	IRRIGATION	3/15 to 11/15	GROUND WATER
37-7572	2.53 / 492.0	IRRIGATION	3/15 to 11/15	GROUND WATER
37-7634	1.31 /	IRRIGATION	3/15 to 11/15	GROUND WATER
37-8732	3.00 / (44.0)	IRRIGATION	3/15 to 11/15	GROUND WATER
+37-2761B (split)	0.77 / 201.2	IRRIGATION	3/15 to 11/15	GROUND WATER
+37-8326 (split)	0.13 / 26.8	IRRIGATION	3/15 to 11/15	GROUND WATER
Total 10.80+0.90 cfs and/or 2348+171.5* ac-ft				

2. Total amount of water being transferred or changed 11.70 cubic feet per second and/or 2,519.5* acre-feet per annum.

3. Point(s) of Diversion:

*228.0 afa transfer, ESPA mitigation requires 56.5 afa set-aside

☐ 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 in 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 #
		NE	NE	NE	18	6S	14E	Gooding	Ground Water	Extg. Well #1
		NE	NE	NW	18	6S	14E	Gooding	Ground Water	Extg. Well #2

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	
06S	14E	7	39	2	4	39								20	39	40	40	39	262
		18	39	40	40	39	40		14	40	40	42	14	12	22	34			412

Total irrigation within permissible place of use will be limited to 629.9 acres in a single irrigation season

Total Acres (for irrigation use) 674 PPU

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

RECEIVED
JUN 14 2011
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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
37-2549	1.86 / 176.0	IRRIGATION	1/15	to 11/15	GROUND WATER
37-2550	2.67 / 568.0	IRRIGATION	3/15	to 11/15	GROUND WATER
37-7370	3.26 / 652.0	IRRIGATION	3/15	to 11/15	GROUND WATER
37-7572	2.53 / 492.0	IRRIGATION	3/15	to 11/15	GROUND WATER
37-7634	1.31 /	IRRIGATION	3/15	to 11/15	GROUND WATER
37-8732	3.00 / (44.0)	IRRIGATION	3/15	to 11/15	GROUND WATER
+37-2761B (split)	0.77 / 201.2	IRRIGATION	3/15	to 11/15	GROUND WATER
+37-8326 (split)	0.21 / 26.8	IRRIGATION	3/15	to 11/15	GROUND WATER
Total 10.80+0.98 cfs and/or 2348+171.5* ac-ft					

2. Total amount of water being transferred or changed 11.78 cubic feet per second and/or 2,519.5* acre-feet per annum.

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 #
		NE	NE	NE	18	6S	14E	Gooding	Ground Water	Extg. Well #1
		NE	NE	NW	18	6S	14E	Gooding	Ground Water	Extg. Well #2

4. Place of use: (If irrigation, identify with number of acres irrigated per 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	
06S	14E	7	38	2	4	39					0.5			20	19	40	40	39	261.5
		18	39	40	40	39	40		42	40	40	43	39		22	34			472

Total Acres (for irrigation use) 733.5 PPU

e. 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: Surface water rights at existing POU, new POU may also be associated with surface water deliveries, however this transfer will supply primary groundwater acres. A portion of land irrigated under existing rights will be dried up, surface water deliveries will remain unchanged. Total volume authorized under remaining portions of water rights 37-2761B and 37-8326 will be reduced to provide volume for additional irrigation within the proposed new place of use.

Total Acres (for irrigation use) -57

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1. of the application, attach a Proof Report (obtained from Department) or Details Report (obtained from website @ <http://www.idwr.idaho.gov/apps/ExtSearch/SearchWRAJ.asp>). Label it **Part 2A.**

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☐ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable.

Right Number: 37-2761B[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

[illegible]

Add'l Fee Paid \$190.00 Date 8/5/15 Received by B. Walker Receipt # S034946

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

Current Water Right No.: 37-8326

Current Owner: SOUTHFIELD DAIRY

Priority Date: 1/6/1988

Origin: Water Right

Status: Active

Basis:	License
--------	---------

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>
IRRIGATION	4/01 to 10/31	
	<u>Total Diversion</u>	

Diversion Rate
1.36 CFS
1.36 CFS

Annual Volume

Location of Point(s) of Diversion

GROUND WATER

SE1/4SE1/4 Sec. 10, Twp 08S, Rge 14E B M

GOODING County

Place of Use

IRRIGATION Within GOODING County

T06S R14E S10	NENE	40.00	T06S R14E S10	NWNE	40.00
T06S R14E S10	SWNE	40.00	T06S R14E S10	SENE	27.00
T06S R14E S10	NENW	35.00	T06S R14E S10	SENW	38.00
T06S R14E S10	NESW	40.00	T06S R14E S10	SESW	33.00
T06S R14E S10	NESE	33.00	T06S R14E S10	NWSE	40.00
T06S R14E S10	SWSE	40.00	T06S R14E S10	SESE	40.00
T06S R14E S15	NENE	40.00	T06S R14E S15	NWNE	40.00
T06S R14E S15	SWNE	38.00	T06S R14E S15	SENE	38.00

Total Acres: 602

Conditions of Approval:

1. R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
2. Right 37-02761B is also diverted through the point of diversion described above.
The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.
This right is limited to the irrigation of 518 acres within the place of use described above in a single irrigation season.
Use of this right with Right 37-02761B is limited to a total combined annual diversion volume of 2408 0 af and to the irrigation of a combined total of 602 acres in a single irrigation season.
This right when combined with Right 37-02761B and all other rights shall provide no more than .02 cfs per acre.
3. R56 Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
4. R57 The Director retains jurisdiction of the right and may change, add, or remove any requirement as determined to be appropriate.

Licensed Date: 8/3/1995

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

Current Water Right No.: 37-2761B

Current Owner: SOUTHFIELD DAIRY

Priority Date: 7/14/1967

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	03/15 to 11/15	5.04 CFS	2072 AF
	<u>Total Diversion</u>	5.04 CFS	2072 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4SE1/4	Sec. 10,	Twp 06S,	Rge 14E B.M.
GOODING County				
GROUND WATER	SE1/4SE1/4NW1/4	Sec. 10,	Twp 06S,	Rge 14E B.M.
GOODING County				

Place of Use

IRRIGATION Within GOODING County

T06S R14E S10	NENE	40.00	T06S R14E S10	NWNE	40.00
T06S R14E S10	SWNE	40.00	T06S R14E S10	SENE	27.00
T06S R14E S10	NENW	35.00	T06S R14E S10	SENW	38.00
T06S R14E S10	NESW	40.00	T06S R14E S10	SESW	33.00
T06S R14E S10	NESE	33.00	T06S R14E S10	NWSE	40.00
T06S R14E S10	SWSE	40.00	T06S R14E S10	SESE	40.00
T06S R14E S15	NENE	40.00	T06S R14E S15	NWNE	40.00
T06S R14E S15	SWNE	38.00	T06S R14E S15	SENE	38.00

Total Acres 602

Conditions of Approval:

1. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 518 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. S05 USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE, SECTION 42-1412(6), IDAHO CODE.

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

Current Water Right No.: 37-2549

Current Owner: SOUTHFIELD PROPERTIES LLC

Priority Date: 3/11/1954

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	03/15 to 11/15	1.86 CFS	400 AF
	<u>Total Diversion</u>	1.86 CFS	400 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4NW1/4	Sec. 18,	Twp 06S,	Rge 14E B M.
GOODING County				
GROUND WATER	NE1/4NE1/4NE1/4	Sec. 18,	Twp 06S,	Rge 14E B M.
GOODING County				

Place of Use

IRRIGATION Within GOODING County

T06S R14E S7	NENE	32.00	T06S R14E S7	SENE	33.00
T06S R14E S7	SESW	13.00	T06S R14E S7	NESE	34.00
T06S R14E S7	NWSE	33.00	T06S R14E S7	SWSE	38.00
T06S R14E S7	SESE	32.00	T06S R14E S18	NENE	33.00
T06S R14E S18	NWNE	32.00	T06S R14E S18	SWNE	40.00
T06S R14E S18	SENE	32.00	T06S R14E S18	NENW	38.00
T06S R14E S18	SWNW	17.00	T06S R14E S18	SENW	40.00
T06S R14E S18	NESW	39.00	T06S R14E S18	NWSW	41.00
T06S R14E S18	SWSW	14.00	T06S R14E S18	SESW	12.00
T06S R14E S18	NESE	2.00	T06S R14E S18	NWSE	21.00

Total Acres: 576

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. E60 RIGHT NOS. 37-2549, 37-2550, 37-7370, 37-7572 AND 37-7634 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.80 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2304 AF.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
5. E55 RIGHT NOS. 37-2549, 37-2550, 37-7370, 37-7572 AND 37-7634 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 576 ACRES IN A SINGLE IRRIGATION SEASON.
6. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Decreed Date: 12/11/2002

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

Current Water Right No.: 37-2550

Current Owner: SOUTHFIELD PROPERTIES LLC

Priority Date: 3/11/1954

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	03/15 to 11/15	2.67 CFS	568 AF
	<u>Total Diversion</u>	2.67 CFS	568 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4NW1/4	Sec. 18,	Twp 06S,	Rge 14E B.M.
GOODING County				
GROUND WATER	NE1/4NE1/4NE1/4	Sec. 18,	Twp 06S,	Rge 14E B.M.
GOODING County				

Place of Use**IRRIGATION Within GOODING County**

T06S R14E S7	NENE	32.00	T06S R14E S7	SENE	33.00
T06S R14E S7	SESW	13.00	T06S R14E S7	NESE	34.00
T06S R14E S7	NWSE	33.00	T06S R14E S7	SWSE	38.00
T06S R14E S7	SESE	32.00	T06S R14E S18	NENE	33.00
T06S R14E S18	NWNE	32.00	T06S R14E S18	SWNE	40.00
T06S R14E S18	SENE	32.00	T06S R14E S18	NENW	38.00
T06S R14E S18	SWNW	17.00	T06S R14E S18	SENW	40.00
T06S R14E S18	NESW	39.00	T06S R14E S18	NWSW	41.00
T06S R14E S18	SWSW	14.00	T06S R14E S18	SESW	12.00
T06S R14E S18	NESE	2.00	T06S R14E S18	NWSE	21.00

Total Acres: 576

Page 14 of _____

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
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. E53 RIGHT NOS 37-2549, 37-2550, 37-7370, 37-7572 AND 37-7634 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.80 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2304 AF.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 142 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
6. E55 RIGHT NOS 37-2549, 37-2550, 37-7370, 37-7572 AND 37-7634 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 576 ACRES IN A SINGLE IRRIGATION SEASON.

Decreed Date: 12/11/2002

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

Current Water Right No.: 37-7370

Current Owner: SOUTHFIELD PROPERTIES LLC

Priority Date: 7/22/1974

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 11/01	3.26 CFS	652 AF
	<u>Total Diversion</u>	3.26 CFS	652 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4NE1/4	Sec. 18,	Twp 06S,	Rge 14E B.M.
GOODING County				
GROUND WATER	NE1/4NE1/4NW1/4	Sec. 18,	Twp 06S,	Rge 14E B.M.
GOODING County				

Place of Use

IRRIGATION Within GOODING County

T06S R14E S7	NENE	32.00	T06S R14E S7	SENE	33.00
T06S R14E S7	SESW	13.00	T06S R14E S7	NESE	34.00
T06S R14E S7	NWSE	33.00	T06S R14E S7	SWSE	38.00
T06S R14E S7	SESE	32.00	T06S R14E S18	NENE	33.00
T06S R14E S18	NWNE	32.00	T06S R14E S18	SWNE	40.00
T06S R14E S18	SENE	32.00	T06S R14E S18	NENW	38.00
T06S R14E S18 Lot 2	SWNW	17.00	T06S R14E S18	SENW	40.00
T06S R14E S18	NESW	39.00	T06S R14E S18 Lot 3	NWSW	41.00
T06S R14E S18 Lot 4	SWSW	14.00	T06S R14E S18	SESW	12.00
T06S R14E S18	NESE	2.00	T06S R14E S18	NWSE	21.00

Total Acres: 576

Conditions of Approval:

1. E60 RIGHT NOS. 37-2549, 37-2550, 37-7370, 37-7572 AND 37-7634 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.80 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2304 AF.
2. E55 RIGHT NOS. 37-2549, 37-2550, 37-7370, 37-7572 AND 37-7634 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 576 ACRES IN A SINGLE IRRIGATION SEASON.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
4. S40 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 163 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Decreed Date: 12/11/2002

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

Current Water Right No.: 37-7572

Current Owner: SOUTHFIELD PROPERTIES LLC

Priority Date: 3/21/1977

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 11/01	2.53 CFS	492 AF
	<u>Total Diversion</u>	2.53 CFS	492 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4NE1/4	Sec. 18,	Twp 06S,	Rge 14E B.M.
GOODING County				
GROUND WATER	NE1/4NE1/4NW1/4	Sec. 18,	Twp 06S,	Rge 14E B.M.
GOODING County				

Place of Use

IRRIGATION Within GOODING County

T06S R14E S7		NENE	32.00	T06S R14E S7		SENE	33.00
T06S R14E S7		SESW	13.00	T06S R14E S7		NESE	34.00
T06S R14E S7		NWSE	33.00	T06S R14E S7		SWSE	38.00
T06S R14E S7		SESE	32.00	T06S R14E S18		NENE	33.00
T06S R14E S18		NWNE	32.00	T06S R14E S18		SWNE	40.00
T06S R14E S18		SENE	32.00	T06S R14E S18		NENW	38.00
T06S R14E S18	Lot 2	SWNW	17.00	T06S R14E S18		SENE	40.00
T06S R14E S18		NESW	39.00	T06S R14E S18	Lot 3	NWSW	41.00
T06S R14E S18	Lot 4	SWSW	14.00	T06S R14E S18		SESW	12.00
T06S R14E S18		NESE	2.00	T06S R14E S18		NWSE	21.00

Total Acres: 576

Conditions of Approval:

1. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 123 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. E60 RIGHT NOS. 37-2549, 37-2550, 37-7370, 37-7572 AND 37-7634 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.80 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2304 AF.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
5. S40 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
6. E55 RIGHT NOS. 37-2549, 37-2550, 37-7370, 37-7572 AND 37-7634 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 576 ACRES IN A SINGLE IRRIGATION SEASON.

Decreed Date: 12/11/2002

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

Current Water Right No.: 37-7634

Current Owner: SOUTHFIELD PROPERTIES LLC

Priority Date: 5/23/1977

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 11/01	1.31 CFS	
	<u>Total Diversion</u>	1.31 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4NE1/4	Sec. 18,	Twp 06S,	Rge 14E B.M.
GOODING County				
GROUND WATER	NE1/4NE1/4NW1/4	Sec. 18,	Twp 06S,	Rge 14E B.M.
GOODING County				

Place of Use

IRRIGATION Within GOODING County

T06S R14E S7	NENE	32.00	T06S R14E S7	SENE	33.00
T06S R14E S7	SESW	13.00	T06S R14E S7	NESE	34.00
T06S R14E S7	NWSE	33.00	T06S R14E S7	SWSE	38.00
T06S R14E S7	SESE	32.00	T06S R14E S18	NENE	33.00
T06S R14E S18	NWNE	32.00	T06S R14E S18	SWNE	40.00
T06S R14E S18	SENE	32.00	T06S R14E S18	NENW	38.00
T06S R14E S18	Lot 2 SWNW	17.00	T06S R14E S18	SENW	40.00
T06S R14E S18	NESW	39.00	T06S R14E S18	Lot 3 NWSW	41.00
T06S R14E S18	Lot 4 SWSW	14.00	T06S R14E S18	SESW	12.00
T06S R14E S18	NESE	2.00	T06S R14E S18	NWSE	21.00

Total Acres: 576

Page 20 of _____

Conditions of Approval:

1. E55 RIGHT NOS. 37-2549, 37-2550, 37-7370, 37-7572 AND 37-7634 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 576 ACRES IN A SINGLE IRRIGATION SEASON.
2. E60 RIGHT NOS. 37-2549, 37-2550, 37-7370, 37-7572 AND 37-7634 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.80 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2304 AF.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. S40 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
5. 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: 12/11/2002

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

Current Water Right No.: 37-8732

Current Owner: SOUTHFIELD PROPERTIES LLC

Priority Date: 4/13/1991

Origin: Water Right

Status: Active

Basis: License

Source**Tributary**

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	3 CFS	1273.4 AF
	<u>Total Diversion</u>	3 CFS	1273.4 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4	Sec. 18	Twp 06S	Rge 14E B M
GOODING County				
GROUND WATER	NE1/4NW1/4	Sec. 18	Twp 06S	Rge 14E B M
GOODING County				

Place of Use**IRRIGATION Within GOODING County**

T06S R14E S7	NENE	33.00	T06S R14E S7	SENE	38.00
T06S R14E S7	NESE	39.00	T06S R14E S7	NWSE	29.00
T06S R14E S7	SWSE	38.00	T06S R14E S7	SESE	39.00
T06S R14E S18	NENE	35.00	T06S R14E S18	NWNE	30.00
T06S R14E S18	SWNE	34.00	T06S R14E S18	SENE	37.00
T06S R14E S18	NENW	36.00	T06S R14E S18	Lot 2 SWNW	11.00
T06S R14E S18	SENW	39.00	T06S R14E S18	NESW	35.00
T06S R14E S18	Lot 3 NWSW	36.00	T06S R14E S18	Lot 4 SWSW	12.00
T06S R14E S18	SESW	12.00	T06S R14E S18	NESE	22.00
T06S R14E S18	NWSE	32.00			

Total Acres: 587

Conditions of Approval:

1. R57 The Director retains jurisdiction of the right and may change, add, or remove any requirement as determined to be appropriate.
2. R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
3. Two points of diversion are located within NENE, S18, T06S, R14E.
The following rights are also diverted through the points diversion described above: 37-02549, 37-02550, 37-07370, 37-07572 and 37-07634.
Use of this right with the rights listed below is limited to a total combined diversion rate of 10.8 cfs and a total combined annual diversion volume of 2348.0 af. The combined rights include: 37-02549, 37-02550, 37-07370, 37-07572 and 37-07634.
This right when combined with the following rights and all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above. The combined rights include: 37-02549, 37-02550, 37-07370, 37-07572 and 37-07634.
4. R56 Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

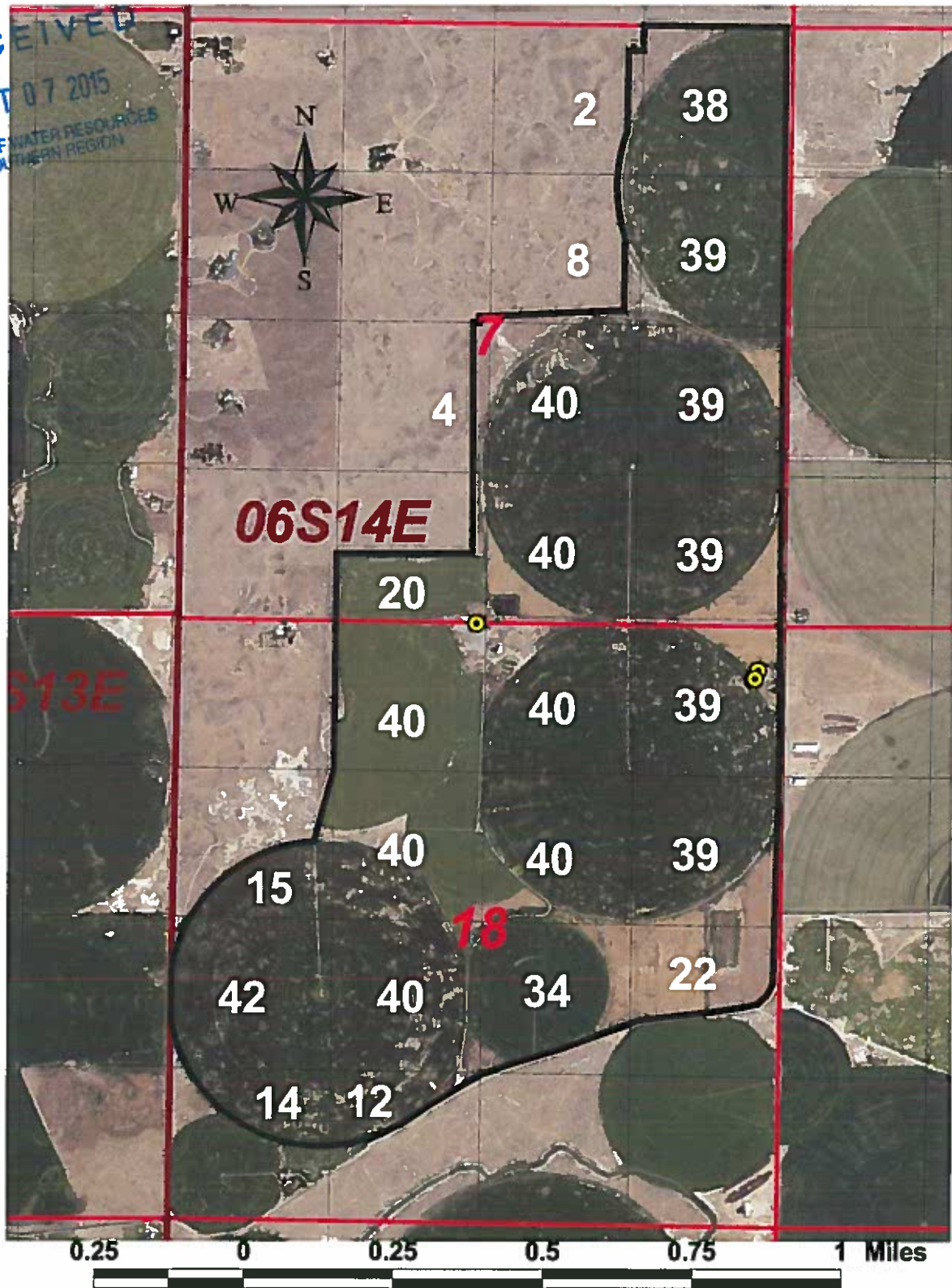
Licensed Date: 10/11/1995

Southfield Properties Transfer 75870
37-2761B & 37-8326 Mixed Source Analysis

Southfield Properties Reported Crop Production 6S, 14E, Section 10 (Water Right 37-2761, 37-8326)										
WMIS ID A0005580, A0005582										
Year	2008				2009				2010	
Field #	Crop	Acreage	C.I.R.	Crop	Acreage	C.I.R.	Crop	Acreage	C.I.R.	Crop
1	CORN	114.3	241.2	CORN	121.1	255.5	CORN	109.7	231.5	CORN
2	FALLOW	15.1		FALLOW	13.3		FALLOW	10.9		CORN
3	FALLOW	7.1		CORN	4.8	10.1	CORN	8.2	17.3	CORN
4	FALLOW	7.5						8.6	18.1	CORN
5	ALFALFA	25.4	88.1	ALFALFA	23.4	81.2	ALFALFA	23.2	80.3	ALFALFA
6 (8A)	ALFALFA	46.6	191.7	ALFALFA	48.1	190.8	ALFALFA	46.2	190.3	ALFALFA
6B								2		
7	FALLOW	1.9		FALLOW	1.6		FALLOW	1.8		CORN
8	CORN	12.6	26.6	CORN	12.2	25.7	CORN	11.7	24.7	BEETS
9	CORN	43.8	92.4	CORN	48.1	97.3	CORN	43.9	92.6	BEETS
10	CORN	5.3	11.2	CORN	3.9	8.2	CORN	3.7	7.8	BEETS
11	FALLOW	1.7		FALLOW	2.5				3.66	
12	FALLOW	1.2								
13	FALLOW	4.3		CORN	16	33.8	CORN	7.5	15.8	CORN
14	FALLOW	1.8		FALLOW	4.5		FALLOW	2.7		
15	FALLOW	1.5		FALLOW	4		FALLOW	10	127.1	CORN
16 (16A)	CORN	144.5	304.9	FALLOW	128.4	270.9	FALLOW	123.1	259.7	
16B				CORN	6.3		FALLOW	8.6		CORN
17	FALLOW	5.2		FALLOW	2.8				8.6	
18	FALLOW	0.9							5.1	CORN
19	ALFALFA	1.9	8.8				SPR Grain	8.1	23	CORN
20	ALFALFA	1.9	6.8				SPR Grain	6.1	21.3	CORN
21 (21A)	ALFALFA	147.3	611.1	CORN	30	83.3	CORN	124	261.6	CORN
21B									124	
22	ALFALFA	1.2	4.2				SPR Grain	6.7	23.3	CORN
23								5.3	5.3	CORN
24								4.7	4.7	FALLOW
25									28.8	ALFALFA
26									4.1	FALLOW
27									15.2	ALFALFA
35									6.1	FALLOW
Total		593.0	1454.6		489.0	1013.0		576.7	1246.4	
Irrigated		544.8			434.0			532.5		
Fallow		48.2			35.0			44.2		
	Efficiency		88.1%			88.1%			88.1%	
	Required Volume		1651.4			1150.1			1415.1	
	Primary Ac.			Primary Ac			Primary Ac.			Primary Ac.
Canal Delivery [ac-ft]		229.8	575.4		169.6	575.4		224.2	575.4	
N. Well Diversion [ac-ft]		247.4	619.3		159.0	530.3		179.3	460.2	
S. Well Diversion [ac-ft]		67.6	169.1		105.4	357.4		129.0	331.1	
		544.8	1363.8		434.0	1472.0		532.5	1366.7	
									566.9	
									14.9	
										88.1%
										1521.8
										Vol. [afa]
										Primary Ac.
										Vol. [afa]
										575.4
										190.2
										510.4
										162.4
										436.0
										566.9
										1521.8

TRANSFER 78300

RECEIVED
OCT 07 2015
DEPT OF WATER RESOURCES
SOUTHERN REGION



2013 NAIP Aerial Photo

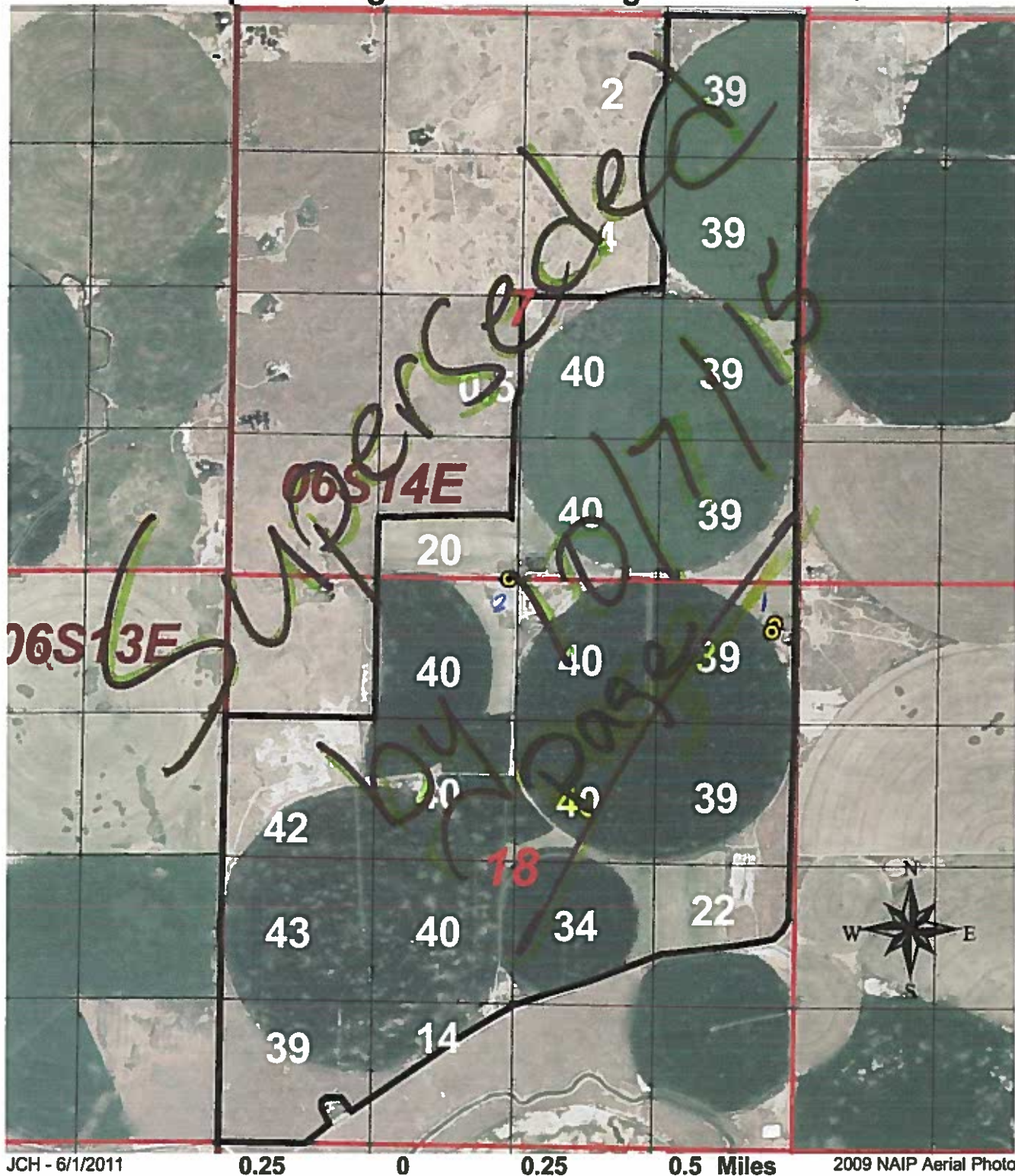
- Existing Wells (Southfield Properties, LLC)
- Permissible Place of Use

- Townships
- Sections

Attachment #5a
(Southfield Properties Permissible Place of Use)

TRANSFER 78300

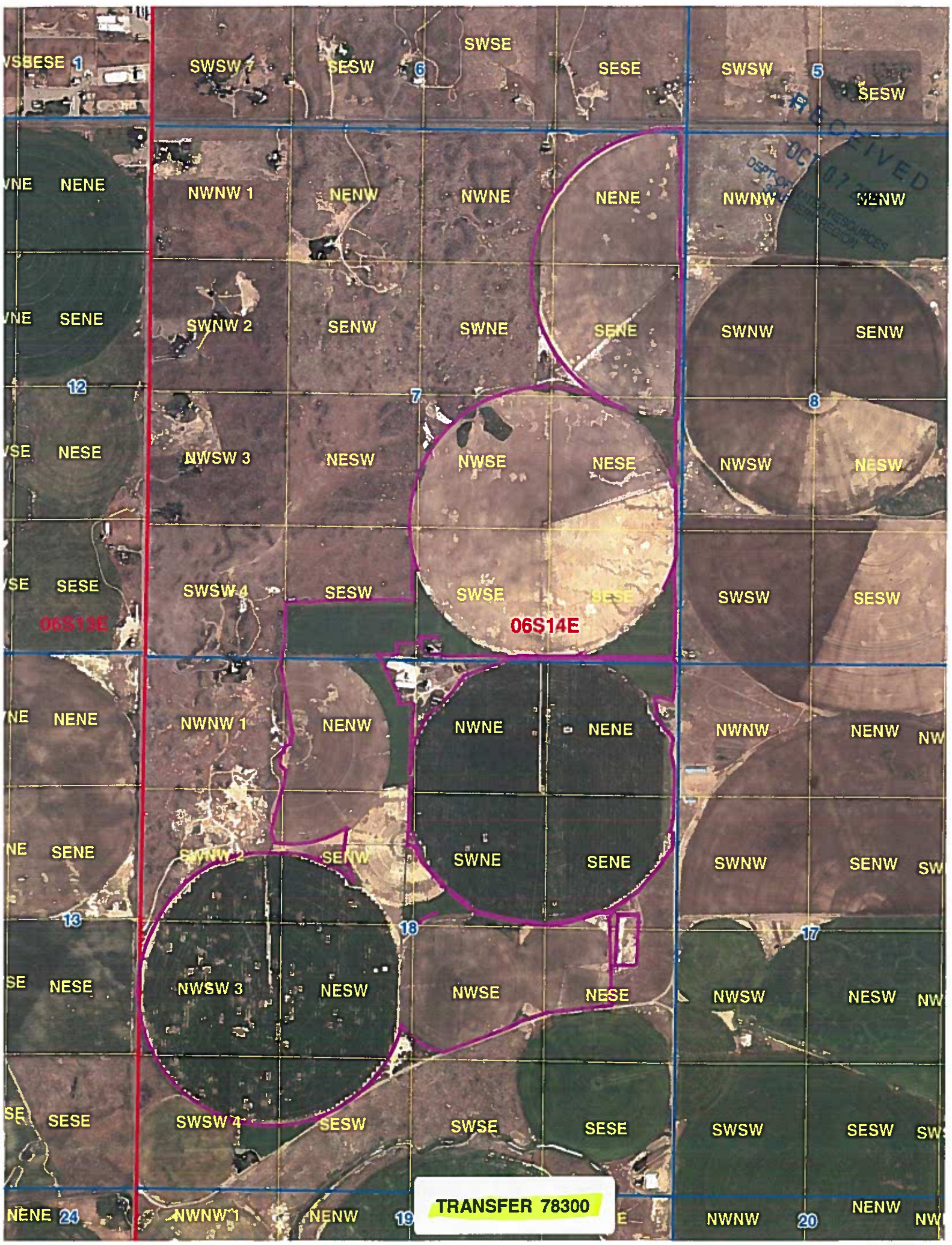
Southfield Properties Proposed Irrigation & Water Right Place Of Use



Townships
 Sections
 40s

Proposed Permissible Place Of Use
 Existing Points Of Diversion

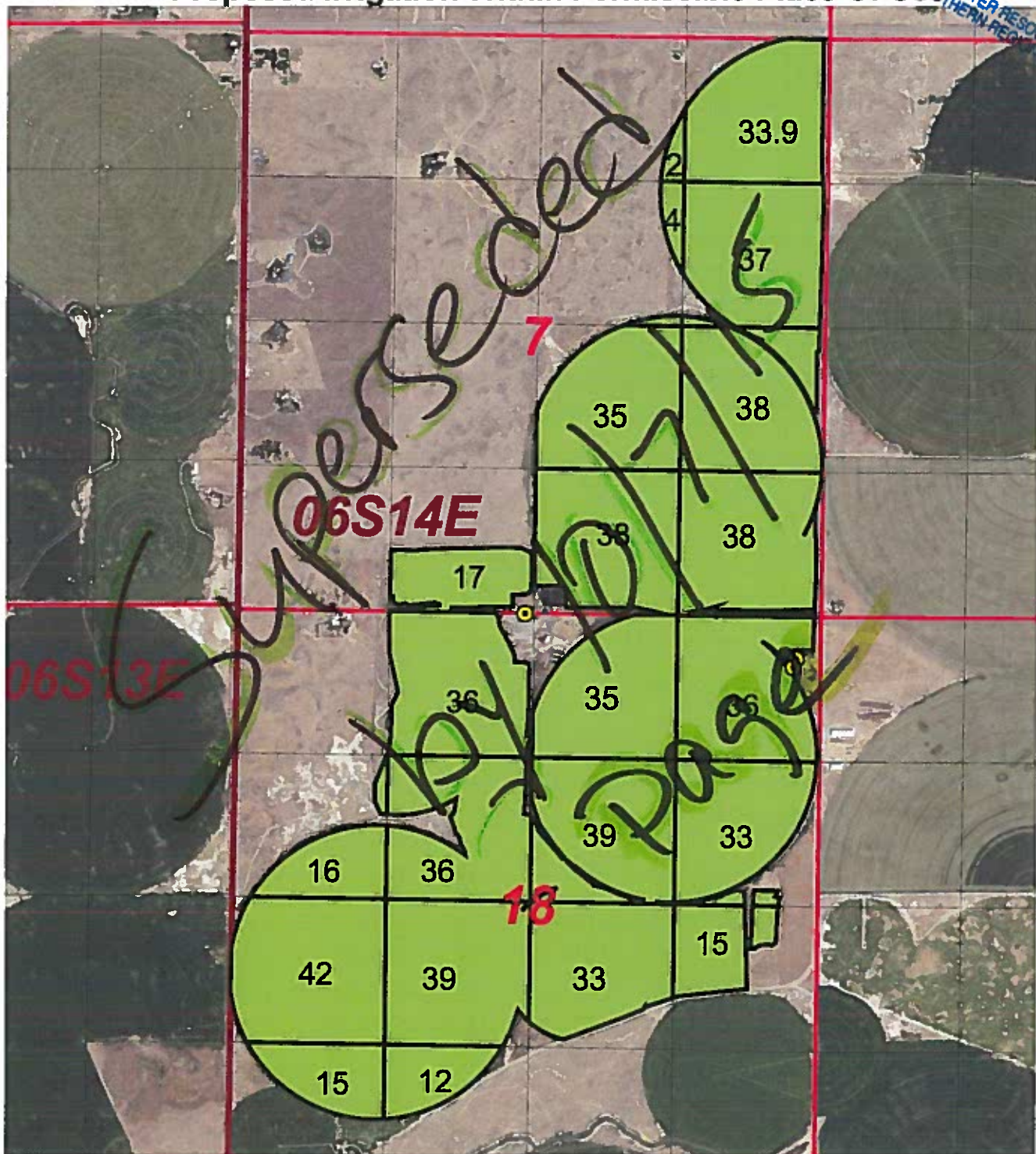
Existing Rights	After Transfer
1995 - 587 Ac.	1995 - 644 Ac.
	1988 - 633 Ac.
1977 - 576 Ac.	1977 - 625 Ac.
1974 - 405 Ac.	1974 - 454 Ac.
	1967 - 291 Ac.
1954 - 242 Ac.	1954 - 242 Ac.



TRANSFER 78300

Southfield Properties Proposed Irrigation Within Permissible Place Of Use

RECEIVED
SEP 21 2015
DEPT OF WATER RESOURCES
SOUTHERN REGION



JCH - 9/21/2015

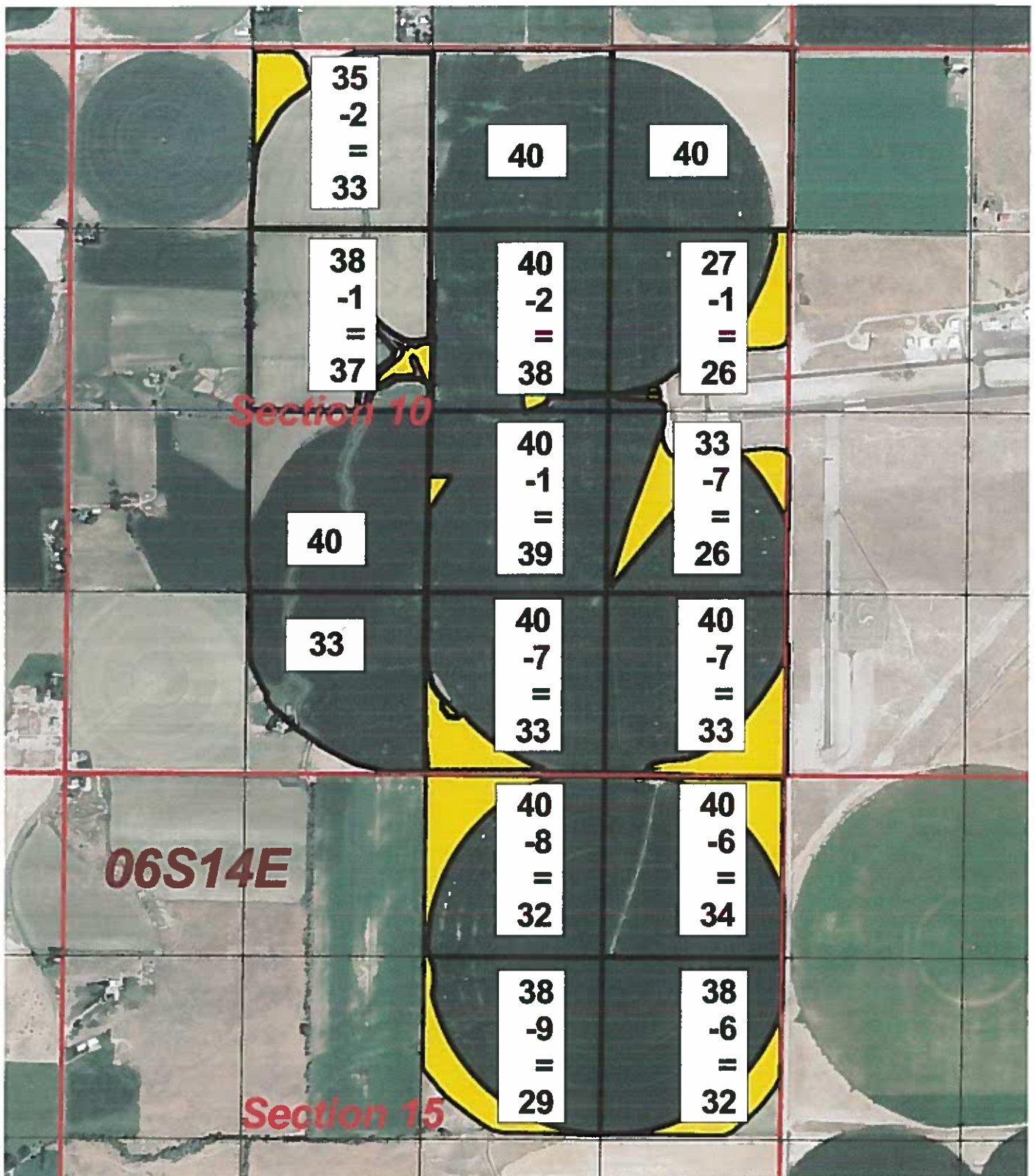
0.25 0 0.25 Miles

2013 NAIP Aerial Photo

- Wells
- Townships
- Sections
- 40s

Proposed Water Right Place Of Use
 37-2549, 2550, 7370, 7572, 7634, 8732
 Transfer in Portions of 37-2761B, 8326
 Proposed Irrigation all in priority (629.9 ac)

Existing Rights	After Transfer
1991 - 587 Ac.	1991 - 629.9 Ac.
	1988 - 618.9 Ac.
1977 - 576 Ac.	1977 - 618.9 Ac.
1974 - 405 Ac.	1974 - 447.9 Ac.
	1967 - 284.9 Ac.
1954 - 242 Ac.	1954 - 242 Ac.



JCH - 6/1/2011

2009 NAIP Aerial Photo

Southfield Properties: Airport Ranch Proposed Water Right Transfer & Remaining Irrigation

Dry-Up

37-2761B (0.77 cfs / 201.2 afa / 50.3 ac)

37-8326 (0.21 cfs / 26.8 afa / 6.7 ac)

Combined (0.98 cfs / 228 afa / 57.0 ac)

Remaining

37-2761B (4.27 cfs / 1870.8 afa / 467.7 ac)

37-8326 (1.15 cfs / 309.2 afa / 77.3.0 ac)

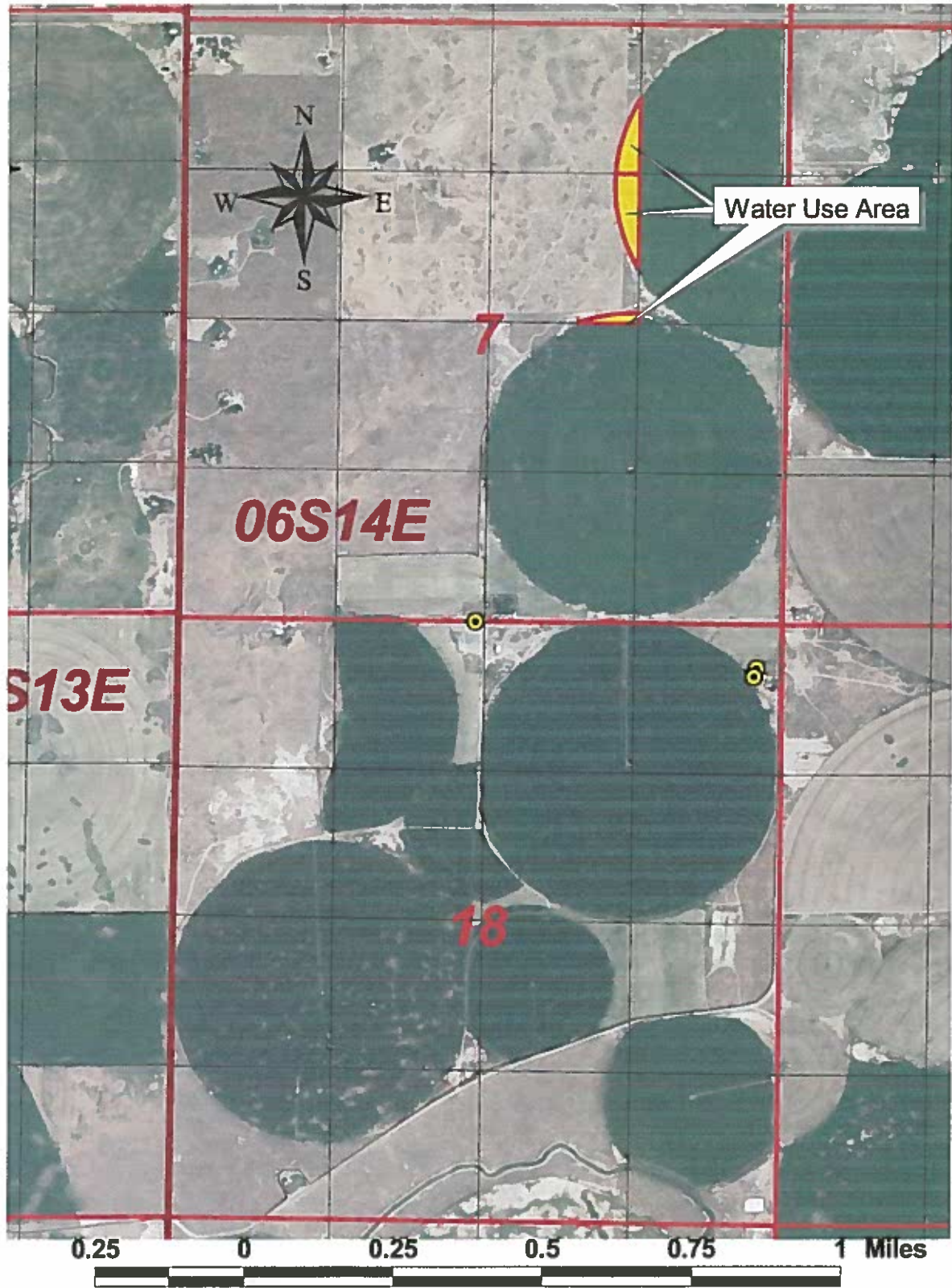
Combined (5.42 cfs / 2180 afa / 545.0 ac)

TRANSFER 78300

RECEIVED

AUG 02 2011

DEPT. OF WATER RESOURCES
SOUTHERN REGION



Existing Wells (Southfield Properties, LLC)

Water_use_agmt.shp

Townships
Sections.shp

EXHIBIT A
(Southfield Properties Water Use Agreement)

TRANSFER 78300

Transfer Mitigation Plan & Analysis Prepared for Southfield Properties

Transfer of Portions of Water Rights (37-2761B, 37-8326)

Prepared by: Jason C. Helms, P.E.
July 9, 2010

TRANSFER INTENT

The intent of this transfer application is to change the place of use for existing ground water irrigation water rights to provide adequate water rights for irrigation of additional lands owned by Southfield Properties that were recently subject to IDWR notice of violation for irrigation exceeding authorized water rights. A map showing the proposed FROM and TO locations is attached as **Appendix A**.

MODEL APPROACH

Evaluation of potential Snake River reach impacts resulting from the proposed transfer was calculated utilizing the most recent V3.1 ESPA Model Transfer Spreadsheet. Transfer portions were determined through proportional water right split analysis which is attached as **Appendix B**. Determination of mitigation set-aside was found through reduction of the total amount of water utilized at the TO location such that all Snake River reaches experience increased reach gains according to the model corresponding to a set-aside of some portion of the water rights removed at the FROM location.

The historical impacts were modeled based on diverting the water rights at their current place of use beginning on the priority date of the modeled water rights and continuing through the end of the model time period. This provides a baseline for evaluation of changes in impacts on modeled reach gains resulting from the proposed transfers. Model data entry is attached as **Appendix C**.

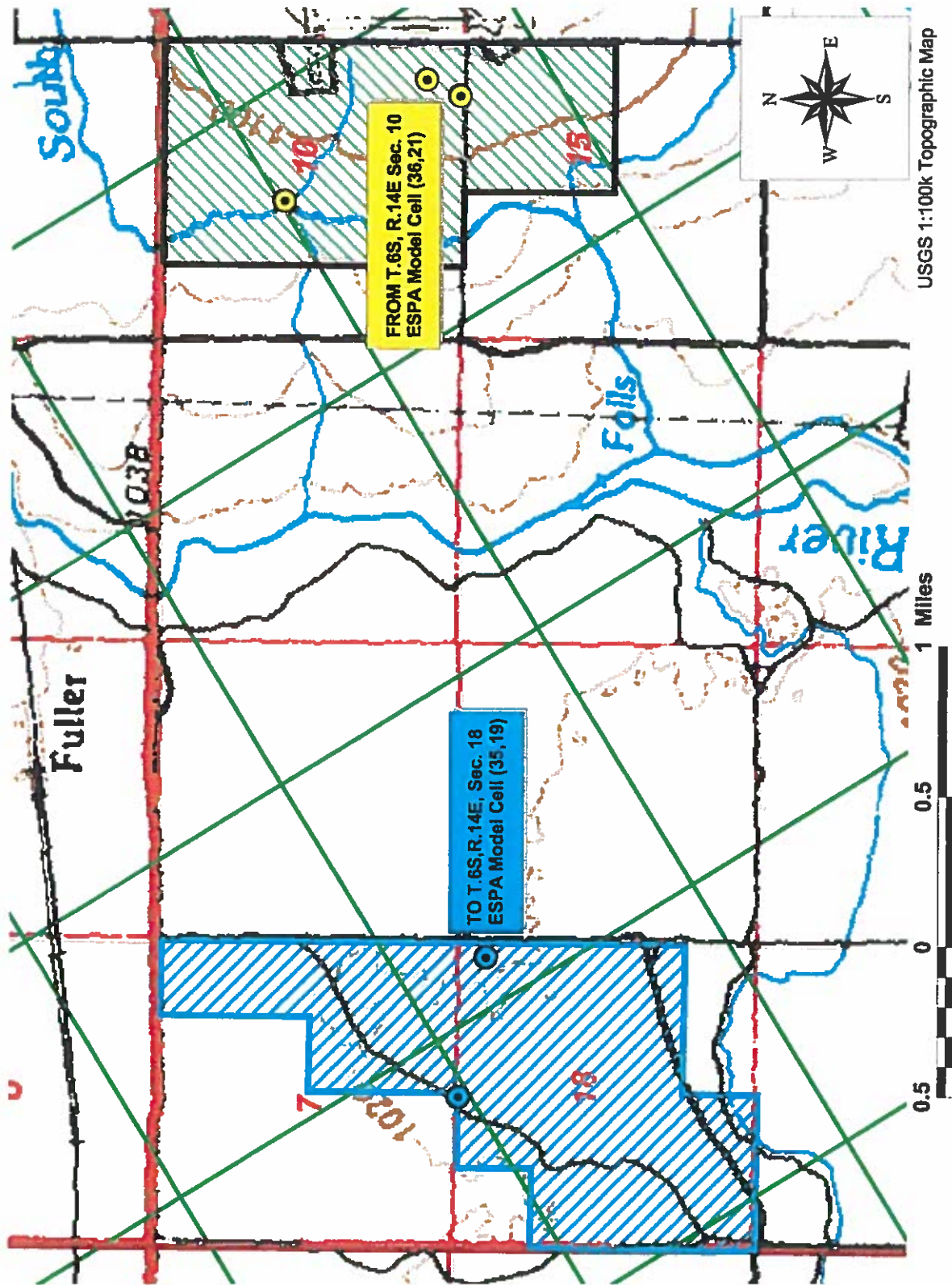
The impacts resulting from approval of the proposed transfers was evaluated by modeling diversion of the indicated transfer volumes at the proposed new points of diversion within the same model spreadsheet.

ANALYSIS RESULTS

According to the results of the ESPA Transfer Spreadsheet model analysis, the significant reaches for the proposed TO location are the Devil's Washbowl to Buhl (13% of total diversion at steady state), Buhl to Thousand Springs (12%), Thousand Springs (just over 10%) and the Malad Reach (55%). Impacts increase significantly in only the Malad reach. Total additional Snake River reach impacts calculated due to the proposed transfer are mitigated through the set-aside of approximately 25% of the proposed transfer. All other modeled reaches indicate changes of less than 5% of historical depletions. Charts showing the model results are attached as **Appendix D**.

CONCLUSION

Based on the ESPA Transfer Spreadsheet model, Snake River Reach impacts are maintained below historical depletion levels through the dry-up of 228 acre-ft at the historical place of use and the authorized use of 171.5 acre-ft at the proposed place of use. The net required set-aside is 56.5 acre-ft.



ESPA Model Grid

- TO Wells (REF. 37-2549, et. al.)
- FROM Wells (REF. 37-2761B, 37-8326)

Southfield Properties ESPA Model Cells Involved in Proposed Transfer

Southfield Properties
(Proposed Transfer 37-2761B, 37-8326)

ENHANCED GROUND-WATER RIGHTS TRANSFER

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE

IDAHO DEPA

Cells this color are
set up for user entries

ENTER STARTING DATE FOR

SIMULATION. THEN PUSH

TRANSFER NO:

"UPDATE DATES" BUTTON

Pending

YEAR

1967

TRANSFER NAME:

SEASON

SPRING

Southfield Proper

ENTER CELL LOCATIONS:

ROW

COLUMN

'TO' CELL

'FROM1' CELL

'FROM2' CELL

'FROM3' CELL

37-2761B

7/14/1967

196.2

37-8326

1/6/1968

31.8

35

36

19

21

228

Southfield Dairy

Airport Dairy

Proposed Use

75.2%

171.5

TRIMESTER

OF

ACTIVITY

TO WELL

Projected Use

AF/TRIMESTER

FROM1 WELL

With Transfer

AF/TRIMESTER

Without Transfer

AF/TRIMESTER

FROM2 WELL

With Transfer

AF/TRIMESTER

Without Transfer

AF/TRIMESTER

FROM3 WELL

With Transfer

AF/TRIMESTER

Without Transfer

AF/TRIMESTER

SPR 1967

0.0

0.0

0.0

0.0

0.0

0.0

0.0

SUM 1967

0.0

65.4

65.4

0.0

0.0

0.0

0.0

WIN 1967

0.0

65.4

65.4

0.0

0.0

0.0

0.0

SPR 1968

0.0

65.4

65.4

0.0

0.0

0.0

0.0

SUM 1968

0.0

65.4

65.4

0.0

0.0

0.0

0.0

WIN 1968

0.0

65.4

65.4

0.0

0.0

0.0

0.0

SPR 1969

0.0

65.4

65.4

0.0

0.0

0.0

0.0

SUM 1969

0.0

65.4

65.4

0.0

0.0

0.0

0.0

WIN 1969

0.0

65.4

65.4

0.0

0.0

0.0

0.0

SPR 1970

0.0

65.4

65.4

0.0

0.0

0.0

0.0

SUM 1970

0.0

65.4

65.4

0.0

0.0

0.0

0.0

WIN 1970

0.0

65.4

65.4

0.0

0.0

0.0

0.0

SPR 1971

0.0

65.4

65.4

0.0

0.0

0.0

0.0

SUM 1971

0.0

65.4

65.4

0.0

0.0

0.0

0.0

WIN 1971

0.0

65.4

65.4

0.0

0.0

0.0

0.0

SPR 1972

0.0

65.4

65.4

0.0

0.0

0.0

0.0

SUM 1972

0.0

65.4

65.4

0.0

0.0

0.0

0.0

WIN 1972

0.0

65.4

65.4

0.0

0.0

0.0

0.0

SPR 1973

0.0

65.4

65.4

0.0

0.0

0.0

0.0

SUM 1973

0.0

65.4

65.4

0.0

0.0

0.0

0.0

WIN 1973

0.0

65.4

65.4

0.0

0.0

0.0

0.0

SPR 1974

0.0

65.4

65.4

0.0

0.0

0.0

0.0

SUM 1974

0.0

65.4

65.4

0.0

0.0

0.0

0.0

WIN 1974

0.0

65.4

65.4

0.0

0.0

0.0

0.0

SPR 1975

0.0

65.4

65.4

0.0

0.0

0.0

0.0

SUM 1975

0.0

65.4

65.4

0.0

0.0

0.0

0.0

WIN 1975

0.0

65.4

65.4

0.0

0.0

0.0

0.0

SPR 1976

0.0

65.4

65.4

0.0

0.0

0.0

0.0

SUM 1976

0.0

65.4

65.4

0.0

0.0

0.0

0.0

WIN 1976

0.0

65.4

65.4

0.0

0.0

0.0

0.0

SPR 1977

0.0

65.4

Southfield Properties
(Proposed Transfer 37-2761B, 37-8326)

WIN 1980	0.0	65.4	65.4	0.0	0.0	0.0	0.0
SPR 1981	0.0	65.4	65.4	0.0	0.0	0.0	0.0
SUM 1981	0.0	65.4	65.4	0.0	0.0	0.0	0.0
WIN 1981	0.0	65.4	65.4	0.0	0.0	0.0	0.0
SPR 1982	0.0	65.4	65.4	0.0	0.0	0.0	0.0
SUM 1982	0.0	65.4	65.4	0.0	0.0	0.0	0.0
WIN 1982	0.0	65.4	65.4	0.0	0.0	0.0	0.0
SPR 1983	0.0	65.4	65.4	0.0	0.0	0.0	0.0
SUM 1983	0.0	65.4	65.4	0.0	0.0	0.0	0.0
WIN 1983	0.0	65.4	65.4	0.0	0.0	0.0	0.0
SPR 1984	0.0	65.4	65.4	0.0	0.0	0.0	0.0
SUM 1984	0.0	65.4	65.4	0.0	0.0	0.0	0.0
WIN 1984	0.0	65.4	65.4	0.0	0.0	0.0	0.0
SPR 1985	0.0	65.4	65.4	0.0	0.0	0.0	0.0
SUM 1985	0.0	65.4	65.4	0.0	0.0	0.0	0.0
WIN 1985	0.0	65.4	65.4	0.0	0.0	0.0	0.0
SPR 1986	0.0	65.4	65.4	0.0	0.0	0.0	0.0
SUM 1986	0.0	65.4	65.4	0.0	0.0	0.0	0.0
WIN 1986	0.0	65.4	65.4	0.0	0.0	0.0	0.0
SPR 1987	0.0	65.4	65.4	0.0	0.0	0.0	0.0
SUM 1987	0.0	65.4	65.4	0.0	0.0	0.0	0.0
WIN 1987	0.0	65.4	65.4	0.0	0.0	0.0	0.0
SPR 1988	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SUM 1988	0.0	76.0	76.0	0.0	0.0	0.0	0.0
WIN 1988	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SPR 1989	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SUM 1989	0.0	76.0	76.0	0.0	0.0	0.0	0.0
WIN 1989	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SPR 1990	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SUM 1990	0.0	76.0	76.0	0.0	0.0	0.0	0.0
WIN 1990	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SPR 1991	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SUM 1991	0.0	76.0	76.0	0.0	0.0	0.0	0.0
WIN 1991	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SPR 1992	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SUM 1992	0.0	76.0	76.0	0.0	0.0	0.0	0.0
WIN 1992	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SPR 1993	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SUM 1993	0.0	76.0	76.0	0.0	0.0	0.0	0.0
WIN 1993	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SPR 1994	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SUM 1994	0.0	76.0	76.0	0.0	0.0	0.0	0.0
WIN 1994	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SPR 1995	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SUM 1995	0.0	76.0	76.0	0.0	0.0	0.0	0.0
WIN 1995	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SPR 1996	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SUM 1996	0.0	76.0	76.0	0.0	0.0	0.0	0.0
WIN 1996	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SPR 1997	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SUM 1997	0.0	76.0	76.0	0.0	0.0	0.0	0.0
WIN 1997	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SPR 1998	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SUM 1998	0.0	76.0	76.0	0.0	0.0	0.0	0.0
WIN 1998	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SPR 1999	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SUM 1999	0.0	76.0	76.0	0.0	0.0	0.0	0.0
WIN 1999	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SPR 2000	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SUM 2000	0.0	76.0	76.0	0.0	0.0	0.0	0.0
WIN 2000	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SPR 2001	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SUM 2001	0.0	76.0	76.0	0.0	0.0	0.0	0.0
WIN 2001	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SPR 2002	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SUM 2002	0.0	76.0	76.0	0.0	0.0	0.0	0.0
WIN 2002	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SPR 2003	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SUM 2003	0.0	76.0	76.0	0.0	0.0	0.0	0.0
WIN 2003	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SPR 2004	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SUM 2004	0.0	76.0	76.0	0.0	0.0	0.0	0.0
WIN 2004	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SPR 2005	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SUM 2005	0.0	76.0	76.0	0.0	0.0	0.0	0.0
WIN 2005	0.0	76.0	76.0	0.0	0.0	0.0	0.0

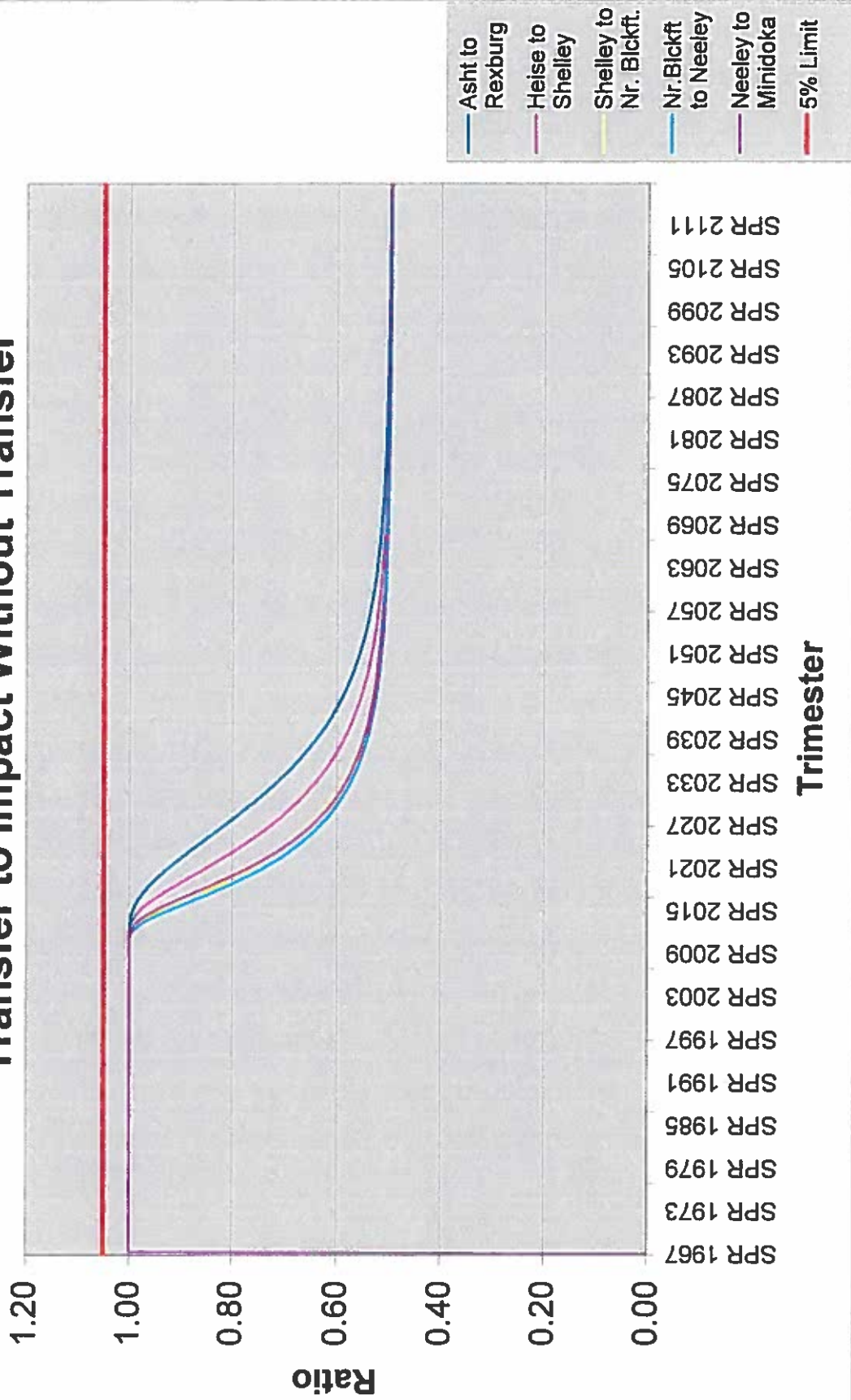
APPENDIX C.2

Southfield Properties
(Proposed Transfer 37-2761B, 37-8326)

SPR 2006	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SUM 2006	0.0	76.0	76.0	0.0	0.0	0.0	0.0
WIN 2006	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SPR 2007	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SUM 2007	0.0	76.0	76.0	0.0	0.0	0.0	0.0
WIN 2007	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SPR 2008	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SUM 2008	0.0	76.0	76.0	0.0	0.0	0.0	0.0
WIN 2008	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SPR 2009	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SUM 2009	0.0	76.0	76.0	0.0	0.0	0.0	0.0
WIN 2009	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SPR 2010	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SUM 2010	0.0	76.0	76.0	0.0	0.0	0.0	0.0
WIN 2010	0.0	76.0	76.0	0.0	0.0	0.0	0.0
SPR 2011	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SUM 2011	57.2	0.0	76.0	0.0	0.0	0.0	0.0
WIN 2011	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SPR 2012	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SUM 2012	57.2	0.0	76.0	0.0	0.0	0.0	0.0
WIN 2012	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SPR 2013	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SUM 2013	57.2	0.0	76.0	0.0	0.0	0.0	0.0
WIN 2013	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SPR 2014	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SUM 2014	57.2	0.0	76.0	0.0	0.0	0.0	0.0
WIN 2014	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SPR 2015	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SUM 2015	57.2	0.0	76.0	0.0	0.0	0.0	0.0
WIN 2015	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SPR 2016	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SUM 2016	57.2	0.0	76.0	0.0	0.0	0.0	0.0
WIN 2016	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SPR 2017	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SUM 2017	57.2	0.0	76.0	0.0	0.0	0.0	0.0
WIN 2017	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SPR 2018	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SUM 2018	57.2	0.0	76.0	0.0	0.0	0.0	0.0
WIN 2018	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SPR 2019	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SUM 2019	57.2	0.0	76.0	0.0	0.0	0.0	0.0
WIN 2019	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SPR 2020	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SUM 2020	57.2	0.0	76.0	0.0	0.0	0.0	0.0
WIN 2020	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SPR 2021	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SUM 2021	57.2	0.0	76.0	0.0	0.0	0.0	0.0
WIN 2021	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SPR 2022	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SUM 2022	57.2	0.0	76.0	0.0	0.0	0.0	0.0
WIN 2022	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SPR 2023	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SUM 2023	57.2	0.0	76.0	0.0	0.0	0.0	0.0
WIN 2023	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SPR 2024	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SUM 2024	57.2	0.0	76.0	0.0	0.0	0.0	0.0
WIN 2024	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SPR 2025	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SUM 2025	57.2	0.0	76.0	0.0	0.0	0.0	0.0
WIN 2025	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SPR 2026	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SUM 2026	57.2	0.0	76.0	0.0	0.0	0.0	0.0
WIN 2026	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SPR 2027	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SUM 2027	57.2	0.0	76.0	0.0	0.0	0.0	0.0
WIN 2027	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SPR 2028	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SUM 2028	57.2	0.0	76.0	0.0	0.0	0.0	0.0
WIN 2028	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SPR 2029	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SUM 2029	57.2	0.0	76.0	0.0	0.0	0.0	0.0
WIN 2029	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SPR 2030	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SUM 2030	57.2	0.0	76.0	0.0	0.0	0.0	0.0
WIN 2030	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SPR 2031	57.2	0.0	76.0	0.0	0.0	0.0	0.0
SUM 2031	57.2	0.0	76.0	0.0	0.0	0.0	0.0

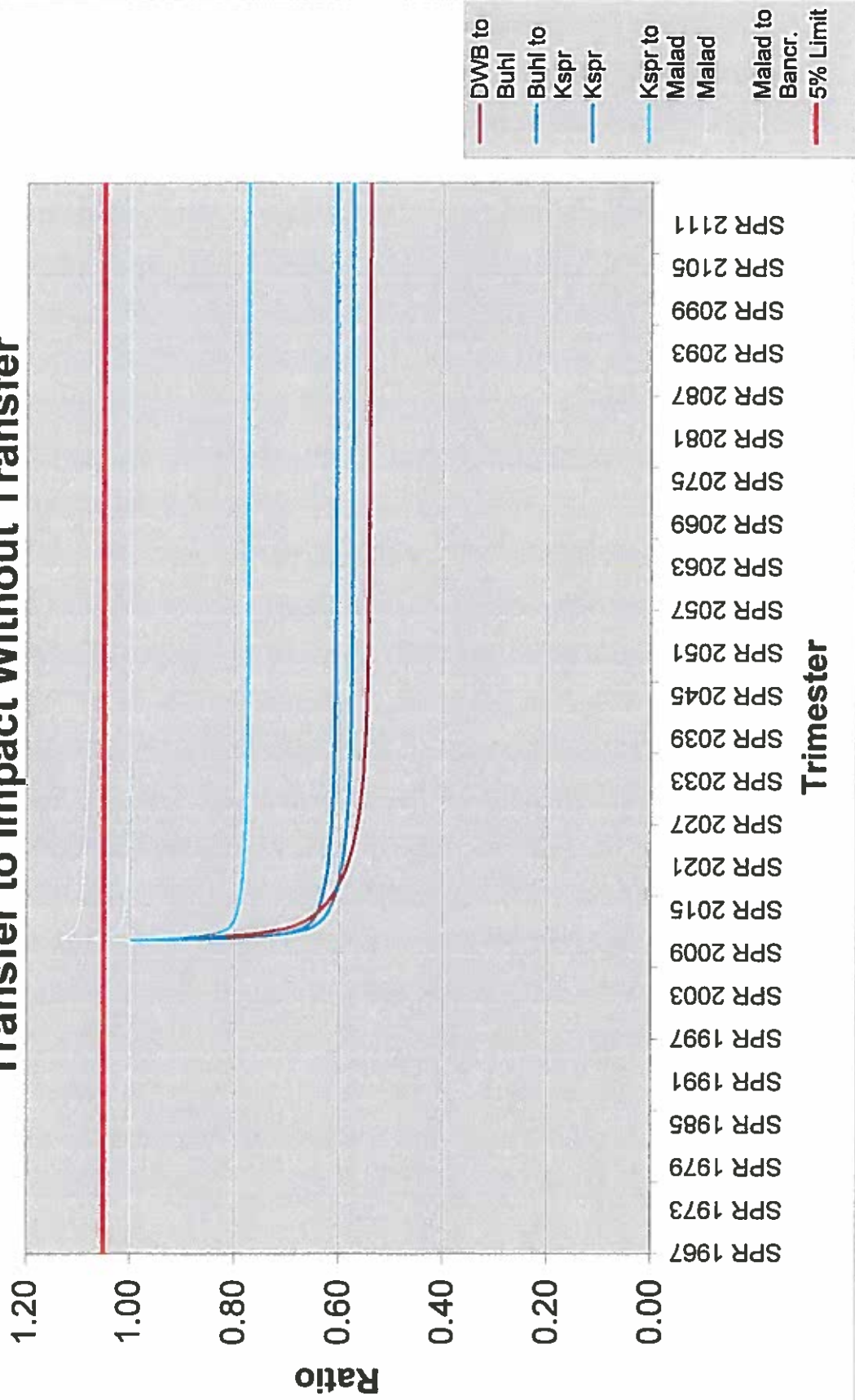
APPENDIX C.3

Change Above Milner as Ratio of Impact With Transfer to Impact Without Transfer



APPENDIX D.1

Change Below Milner as Ratio of Impact With Transfer to Impact Without Transfer



APPENDIX D.2

gary funderburg

From: "Jason" <jhelms@teidaho.com>
To: "Gary Funderburg" <denisekayf@cablone.net>
Sent: Friday, July 09, 2010 6:47 PM
Attach: Narrative in Support of Transfer.pdf
Subject: Southfield ESPA Analysis

Gary,

Here is the ESPA Analysis for the transfer to Southfield from the Airport.

I modified the dry-up a little bit, may need some massage here and there later.
 Overall, dryup 57 acres (228 acre-ft) and provide 42.9 acres (171.5 acre-ft) to the NOV location
 Please note the proportional split of the rights as follows:

DRY-UP:

Water Right	Priority	Diversion Rate		Diversion Volume		Acres		
37-2761B	7/14/1967	0.48	0.64	196.2	228.0 combined	49.0	57.0	
37-8326	1/6/1988	0.13	combined	31.8		8.0	combined	
TOTAL:		0.64 combined		228.0 combined		57.0 combined		

TRANSFER USABLE:

TRANSFER SCHEDULE:							
Water Right	Priority	Diversion Rate		Diversion Volume		Acres	
37-2761B	7/14/1967	0.36	0.48	147.6	171.5 combined	36.9	42.9
37-8326	1/6/1988	0.10	combined	23.9		6.0	combined
TOTAL:		0.48 combined		171.5 combined		42.9 combined	

Acreages:**Existing water right place of use**

		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENE	NESW
6S,14E	Section 10	40	40	40	27	35			38	4
6S,14E	Section 15	40	40	38	38					

Proposed Transfers

Transfer to NOV (6S,14E-18, ref. extg. WR: 37-8732)

6S,14E	Section 10	12.8	1.8	1.4	1.2	4.3			3.2	
6S,14E	Section 15	-0.3	0.4	7.7	-1.1					

REMAINING WATER RIGHT PLACE OF USE

27.2	38.2	38.6	25.8	30.7			34.8	3
40.3	39.6	30.3	39.1					

The negative values shown in Pink indicate irrigation exceeding authorized acreage in those 40's. I specified the

7/12/2010

net dry-up.

Let me know if you need anything else, and thanks for the work!

Jason C. Helms, P.E.
Thompson Engineering, Inc.
(208) 745-8771

7/12/2010

Southfield Properties
Proposed Water Right Split Transfer

Existing Water Rights as Listed by IDWR (6S,14E-10,15)							
Water Right	Priority	Diversion Rate		Diversion Volume		Acres	
37-2761B	7/14/1967	5.04	6.76 combined	2072.0	2408.0 combined	518	602.0 combined
37-8326	1/6/1988	1.36		336.0		84	

PROPOSED OFF-SETTING TRANSFERS from Idaho Water Co. LLC

9.5% Transfer to NOV (6S,14E-18, ref. extg. WR: 37-8732)							
Water Right	Priority	Diversion Rate		Diversion Volume		Acres	
37-2761B	7/14/1967	0.48	0.64 combined	196.2	228.0 combined	49.0	57.0 combined
37-8326	1/6/1988	0.13		31.8		8.0	
TOTAL:		0.64 combined		228.0 combined		57.0 combined	

90.5% Cannon-Shelley Remaining After Transfers (5N,36E-31,32)							
Water Right	Priority	Diversion Rate		Diversion Volume		Acres	
37-2761B	7/14/1967	4.56	6.12 combined	1875.8	2180.0 combined	469.0	545.0 combined
37-8326	1/6/1988	1.23		304.2		76.0	

APPENDIX B

Evaluation of Supplemental Ground Water Use (37-2761B, 37-8326)

Addendum In Support of Amended Transfer #75870

Southfield Properties, LLC (Attachment #8b)

Prepared by: Jason C. Helms, P.E.

Date: June 1, 2011

1. Objective

Transfer Application #75870 (as amended) seeks to dry-up and transfer 57 acres of irrigation under a portion of ground water irrigation water rights 37-2761B and 37-8326 from the Southfield Airport Ranch property near the City of Jerome Airport. The transfer proposes to move a 57 acre portion of the combined ground water rights to another farm also owned by the applicant several miles to the west.

2. Background

Originally, parent water right 37-2761 was the sole water right authorizing diversion for irrigation of the Airport Ranch property - and apparently also a portion of the City of Gooding property. Review of the original licensing exam indicates 80 shares of Gooding Canal water was originally available and the groundwater was discharged into a pond and used on lands east of the canal. Following approval of a water right transfer submitted for their portion by the City of Gooding, the water right was split into parts A and B with the A portion moved to a well owned by the City. Around the time of the split and ownership change, an additional permit application which had been pending for the same property was submitted to IDWR seeking to re-authorize the portion of the existing diversion capacity which had been transferred out of the well. 37-8326 was ultimately approved to authorize an additional 84 acres and 1.36 cfs under the junior priority back to the tested capacity of the two well system.

3. Surface Water Deliveries (Airport Ranch)

The ground water rights proposed for transfer are still used in combination with surface water delivered currently through the Big Wood Canal Company (same physical canal). According to the warranty deed submitted with the transfer application, a total of 158.99 shares are appurtenant to the Airport Ranch property. Based on conversation with Jane Sabala of the Big Wood Canal Company, the property received 575.4 acre-ft of surface water in 2009 at the Airport Ranch headgate. Surface water delivery information for other years has been requested, however it has not been received at the date of this report. Until additional information is made available, it will be assumed that all other years received identical deliveries.

4. Ground Water Diversions (Airport Ranch)

Review of ground water pumping data provided from the Watermaster (C. Yenter) for the wells associated with 37-2761B and 37-8326 reveals a peak ground water diversion of 964.7 acre-ft during the 2008 irrigation season. Total ground water diversions during 2010 was similar at 946.4 acre-ft. (Refer to attached WMIS data: ID No's A0005580 & A0005582). In general, the diversion data looks reasonable, however the multiple power use levels at the north well (open discharge into pumping pond) where demand will vary much more widely as a result of the booster pump which also draws power may warrant additional examination.

5. Total Irrigated Acreage (Airport Ranch Most Recent 5 Years: 2005-2010)

According to the attached FSA reports obtained for the Airport Ranch Property, total irrigated acreage supplied by appurtenant surface water and ground water rights 37-2761B and 37-8326 has ranged from approximately 540 to about 570 acres each year. The fallow fields have been rotated into production primarily in 2010 and it appears that every field authorized within the water right place of use has been irrigated at least once during the last 5 years.

6. Corresponding Primary Ground Water Rights (Airport Ranch)

Assuming the source waters serve the lands in a ratio proportional to their volume contributions results in an effective primary groundwater irrigation of (946.4/1521.8), or 62.2% of the authorized place of use acres based on the most recent 2010 diversion information. Correlation of water diversion information with reported crop mix and associated consumptive water requirements indicates either a highly efficient level of water application (90%+) or perhaps reduced cropping periods on less productive areas of the property during the hotter part of the season.

All appurtenant water rights authorize total irrigation of 602 acres within the place of use, so the corresponding primary groundwater supply based on the determination of source volume fractions is 62.2% of 602 acres, or 374.3 acres. This provides the pro-rata basis for determination of the 57 acre "primary" ground water right split proposed for transfer to the new place of use. Surface water deliveries are not proposed to change and reduction of the total irrigation use by 57 acres to offset the transfer of 57 ground water acres to the proposed new place of use will ensure there is no net increase in total beneficial use.

In this case, no change in the nature of use is proposed so a simple worst-case headgate volume of 4 acre-ft per acre still appears appropriate for purposes of the ESPA model analysis. This will also allow for the potential increased usage during particularly dry years which are not necessarily represented within the recent water use data, and it would be inappropriate to limit the future remaining water right use to the environmental conditions of the last 5 years. For that reason also, the full 4 acre-ft per acre should be authorized for the portion of the ground water rights remaining at the historical place of use.

It should be noted that the results of the ESPA analysis requires a significantly reduced volume

available for diversion under the transferred water rights in order to maintain modeled impacts to the Malad Reach of the Snake River within approvable limits. That reduction alone essentially guarantees that approval of this transfer application (with adherence to the diversion limits specified in the transfer) will not result in injury to other water users or enlargement of total water use either locally or regionally.

Attachments

- Attachment #8b-1: WMIS ID A0005580 Diversion Data (x ppg)
- Attachment #8b-2: WMIS ID A0005582 Diversion Data (x ppg)
- Attachment #8b-3: Table: FSA Crop Production (2006-2010) (x ppg)
- Attachment #8b-4: FSA-578 Reports (2006-2010) (x ppg)
- Attachment #8b-5: Calculated 57-Acre Pro-Rata Ground Water Right Split

Southfield Properties (Proposed Amended Transfer #75870)

EXISTING WATER RIGHTS (As Licensed)

Water Right	Priority	Rate	Rate Limit	Volume	Volume Limit	Acres	Acre Limit
37-2761	7/14/1967	5.04	5.04	2072.0	2408.0	518.0	602.0
37-8326	1/6/1988	1.36	1.36	336.0		84.0	

Total irrigation limited to 602 acres in conjunction with appurtenant surface water rights.

PRIMARY GROUND WATER RIGHTS (Based on Recent Historical Use)

37-2761	7/14/1967	5.04	5.04	1277.1	1447.2	319.3	361.8
37-8326	1/6/1988	1.36	1.36	170.1		42.5	

TRANSFER TO 6S14E-18 (Transfer fraction based on recent historical primary acreage)

37-2761	7/14/1967	0.79	0.79	201.2	228.0	50.3	57.0
37-8326	1/6/1988	0.21	0.21	26.8		6.7	

REMAINING AT AIRPORT FARM

37-2761	7/14/1967	4.25	4.25	1870.8	2180.0	467.7	545.0
37-8326	1/6/1988	1.15	1.15	309.2		77.3	

Total irrigation limited to 545 acres in conjunction with appurtenant surface water rights.

[Click here to insert a new record.](#)

Edit	Delete				
Report Year*	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method	
2010	319400.00	07/08/10 625.75	510.00	PCC	
Utility	Account Number	Service Number	Validated	Tracking	
Idaho Power		5342253168		No	
Acre Feet Qualifier		Comments			
5-Multiple operating conditions, not all PCC's available but could be					
Edit	Delete				
Report Year*	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method	
2009	290240.00	07/05/07 630.65	460.00	PCC	
Utility	Account Number	Service Number	Validated	Tracking	
Idaho Power		5342253168		No	
Acre Feet Qualifier		Comments			
5-Multiple operating conditions, not all PCC's available but could be					
IPCO records show three different KW condition suggesting that the system has been changed to no longer be open Q. Two of the conditions do not match the open Q measurement from 2007. Will investigate in 2010. jdh					
Edit	Delete				
Report Year*	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method	
2008	340600.00	07/05/07 630.65	540.08		
Utility	Account Number	Service Number	Validated	Tracking	
Idaho Power		5342253168		No	
Acre Feet Qualifier		Comments			
1-Simple system with one operating condition, current valid PCC					
Edit	Delete				
Report Year*	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method	
2007	340080.00	07/05/07 630.65	539.25		
Utility	Account Number	Service Number	Validated	Tracking	
Idaho Power		5342253168		No	
Acre Feet Qualifier		Comments			
1-Simple system with one operating condition, current valid PCC					
Edit	Delete				
Report Year*	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method	
2006	387440.00	06/15/04 625.59	619.32		

TRANSFER 78300

Utility	Account Number	Service Number	Validated	Tracking
Idaho Power		5342253168		No
Acre Feet Qualifier		Comments		
<u>Edit</u>		<u>Delete</u>		
Report Year*	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method
2005	370720.00	06/15/04 625.59	592.59	
Utility	Account Number	Service Number	Validated	Tracking
Idaho Power		5342253168	Validated by IDWR	No
Acre Feet Qualifier		Comments		
1-Simple system with one operating condition, current valid PCC				
<u>Edit</u>		<u>Delete</u>		
Report Year*	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method
2004	399840.00	06/15/04 625.59	639.10	
Utility	Account Number	Service Number	Validated	Tracking
Idaho Power		5342253168	Validated by IDWR	No
Acre Feet Qualifier		Comments		
1-Simple system with one operating condition, current valid PCC				
<u>Edit</u>		<u>Delete</u>		
Report Year*	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method
2003	355160.00	08/13/98 647.20	548.80	
Utility	Account Number	Service Number	Validated	Tracking
Idaho Power		5342253168	Validated by IDWR	No
Acre Feet Qualifier		Comments		
1-Simple system with one operating condition, current valid PCC				
<u>Edit</u>		<u>Delete</u>		
Report Year*	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method
2002	401240.00	08/13/98 647.20	620.00	
Utility	Account Number	Service Number	Validated	Tracking
Idaho Power		5342253168	Validated by IDWR	No
Acre Feet Qualifier		Comments		
1-Simple system with one operating condition, current valid PCC				
<u>Edit</u>		<u>Delete</u>		
Report Year*	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method
2000	431960.00	08/13/98 647.20	667.40	
Utility	Account Number	Service Number	Validated	Tracking
Idaho Power	55002599		Validated by IDWR	No
Acre Feet Qualifier		Comments		

2001	298560.00	09/24/99	1241.40	240.50	PCC
Utility	Account Number	Service Number	Validated	Tracking	
Idaho Power		5982330225	Validated by IDWR	No	
Acre Feet Qualifier		Comments			
1-Simple system with one operating condition, current valid PCC					
Edit					
Report Year*	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method	
2000	75960.00	09/24/99 1241.40	61.19	PCC	
Utility	Account Number	Service Number	Validated	Tracking	
Idaho Power	19550026274		Validated by IDWR	No	
Acre Feet Qualifier		Comments			
1-Simple system with one operating condition, current valid PCC					

[Click here to insert a new record.](#)

Edit	Delete				
Report Year*	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method	
2010	381840.00	07/08/10 875.85	436.00	PCC	
Utility	Account Number	Service Number	Validated	Tracking	
Idaho Power		5982330225		No	
Acre Feet Qualifier		Comments			
5-Multiple operating conditions, not all PCCs available but could be					
Edit	Delete				
Report Year*	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method	
2009	265560.00	07/19/07 802.12	331.00	PCC	
Utility	Account Number	Service Number	Validated	Tracking	
Idaho Power		5982330225		No	
Acre Feet Qualifier		Comments			
2-Multiple operating conditions, PCCs all measured and within 10%					
Edit	Delete				
Report Year*	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method	
2008	308520.00	07/19/07 802.12	384.63		
Utility	Account Number	Service Number	Validated	Tracking	
Idaho Power		5982330225		No	
Acre Feet Qualifier		Comments			
2-Multiple operating conditions, PCCs all measured and within 10%					
Edit	Delete				
Report Year*	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method	
2007	286680.00	07/19/07 802.12	357.40		
Utility	Account Number	Service Number	Validated	Tracking	
Idaho Power		5982330225		No	
Acre Feet Qualifier		Comments			
2-Multiple operating conditions, PCCs all measured and within 10%					
Edit	Delete				
Report Year*	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method	

TRANSFER 78300

2006	123840.00	06/22/04	732.18	169.14	
Utility	Account Number	Service Number	Validated	Tracking	
Idaho Power		5982330225		No	
Acre Feet Qualifier		Comments			
2-Multiple operating conditions, PCCs all measured and within 10%					
<u>Edit</u>		<u>Delete</u>			
Report Year*	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method	
2005	112560.00	06/22/04 732.18	153.73		
Utility	Account Number	Service Number	Validated	Tracking	
Idaho Power		5982330225	Validated by IDWR	No	
Acre Feet Qualifier		Comments			
2-Multiple operating conditions, PCCs all measured and within 10%					
<u>Edit</u>		<u>Delete</u>			
Report Year*	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method	
2004	316800.00	06/22/04 732.18	432.70		
Utility	Account Number	Service Number	Validated	Tracking	
Idaho Power		5982330225	Validated by IDWR	No	
Acre Feet Qualifier		Comments			
1-Simple system with one operating condition, current valid PCC					
<u>Edit</u>		<u>Delete</u>			
Report Year*	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method	
2003	223680.00	09/24/99 1241.40	180.20		
Utility	Account Number	Service Number	Validated	Tracking	
Idaho Power		5982330225	Validated by IDWR	No	
Acre Feet Qualifier		Comments			
1-Simple system with one operating condition, current valid PCC					
<u>Edit</u>		<u>Delete</u>			
Report Year*	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method	
2002	201120.00	09/24/99 1241.40	162.01		
Utility	Account Number	Service Number	Validated	Tracking	
Idaho Power		5982330225	Validated by IDWR	No	
Acre Feet Qualifier		Comments			
1-Simple system with one operating condition, current valid PCC					
<u>Edit</u>		<u>Delete</u>			
Report Year*	Utility KWH	Total PCC	Acre Feet Volume	Preferred Method	

1-Simple system with one operating condition, current valid PCC

Edit

Report Year*	Utility KWH	<u>Delete</u> Total PCC	Acre Feet Volume	Preferred Method
1999	385800.00	08/13/98 647.20	596.10	
Utility	Account Number	Service Number	Validated	Tracking
Idaho Power	55002599		Validated by IDWR	No
Acre Feet Qualifier	Comments			
1-Simple system with one operating condition, current valid PCC				

Edit

Report Year*	Utility KWH	<u>Delete</u> Total PCC	Acre Feet Volume	Preferred Method
1998	327440.00	08/13/98 647.20	505.90	
Utility	Account Number	Service Number	Validated	Tracking
Idaho Power	55002599		Validated by IDWR	No
Acre Feet Qualifier	Comments			
1-Simple system with one operating condition, current valid PCC				

WARRANTY DEED

For Value Received

NAFZIGER FAMILY LIMITED PARTNERSHIP, an Idaho Limited Partnership
the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

SOUTHFIELD DAIRY, an Idaho General Partnership
the grantee(s), whose current address is

3308 S. 1600 E, Wendall, Id 83355

the following described premises, to-wit:

See Attached Exhibit "A"

RECEIVED
AUG 01 2011
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Instrument # 214456

GOODING, GOODING, IDAHO

2006-01-03

04:18:21

No. of Pages: 3

Recorded for : GOODING TITLE

HELEN EDWARDS

Fee: 8.00

Ex-Officio Recorder Deputy

Helen Edwards

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that he/she/they will warrant and defend the same from all claims whatsoever.

Dated: January 3, 2006

NAFZIGER FAMILY LIMITED PARTNERSHIP

BY:

James D. Nafziger
JAMES D. NAFZIGER, General Partner

Notary Acknowledgement as attached.

EXHIBIT A
G050447

Township 6 South, Range 14, East of the Boise Meridian, Gooding County, Idaho

Sections 7 & 18: A tract of land more particularly described as follows:

BEGINNING at the Northeast corner of said Section 7;
THENCE South 00° 05' 09" East a distance of 131.75 feet along the Easterly boundary of said Section 7 to the Southerly right of way boundary of State Highway No. 20 and THE TRUE POINT OF BEGINNING;
THENCE South 00° 05' 09" East a distance of 5,136.07 feet along the Easterly boundary of said Section 7 to the Southeast corner thereof,
THENCE South 00° 10' 32" East a distance of 3,390.55 feet along the Easterly boundary of said Section 18 to center of a gravel road;
THENCE Westerly along the center of said gravel road the following courses and distances South 83° 06' 23" West a distance of 1,233.75 feet;
THENCE South 69° 19' 46" West a distance of 1,447.91 feet;
THENCE South 69° 44' 42" West a distance of 655.17 feet;
THENCE South 56° 27' 21" West a distance of 334.08 feet;
THENCE South 62° 42' 32" West a distance of 232.23 feet leaving the center of said gravel road to a point in the road fence which is 1,400.00 feet from the center of an irrigation pivot;
THENCE Westerly along the edge of said pivot 2,227.67 feet on the arc of a non-tangent curve right with a radius of 1,400.00 feet, a central angle of 91° 10' 06" and an chord which bears North 60° 34' 28" West a distance of 1,999.98 feet to a point on the Westerly boundary of said Section 18;
THENCE North 00° 03' 00" East a distance of 726.59 feet along the Westerly boundary of said Section 18 to a point 1,400.00 feet from the center of said irrigation pivot;
THENCE Northeasterly along the edge of said irrigation pivot 1,812.12 feet on the arc of non-tangent curve to the right with a radius of 1,400.00 feet, a central angle of 74° 31' 50" and a chord which bears North 52° 21' 20" East a distance of 1,695.42 feet to a point on the Westerly boundary of the East one-half of the Northwest Quarter of said Section 18;
THENCE North 00° 00' 23" West a distance of 1,922.36 feet to the Northwest corner of said East one-half of the Northwest Quarter;
THENCE North 00° 00' 23" West a distance of 600.00 feet on the projection northwardly of the Westerly boundary of the East one-half of the Northwest Quarter;
THENCE North 89° 56' 40" East a distance of 1,339.67 feet parallel with and 600.00 feet Northerly from the Southerly boundary of said Section 7 to the Westerly boundary of the East one-half of said Section 7;
THENCE North 00° 00' 22" West a distance of 2,072.19 feet along the Westerly boundary of the East one-half of said Section 7;
THENCE North 89° 59' 10" East a distance 1,262.81 feet to a point 50.00 feet Westerly from the Westerly boundary of the East one-half of the Northeast Quarter of said Section 7;
THENCE North 00° 05' 50" West a distance of 2,460.67 feet parallel with the Westerly boundary of said East one-half of the Northeast Quarter to the Southerly right of way boundary of said State Highway No. 30;
THENCE North 89° 48' 37" East a distance of 1,413.30 feet along said right of way boundary to the TRUE POINT OF BEGINNING.

State of IDAHO)
County of TWIN FALLS) ss.

On this 3rd day of January, in the year 2004, before me, NANCIE ANN BAARS, personally appeared JAMES W. Nozicker, known or identified to me to be the general partner of Nozicker Family Limited Partnership, and the general partner who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

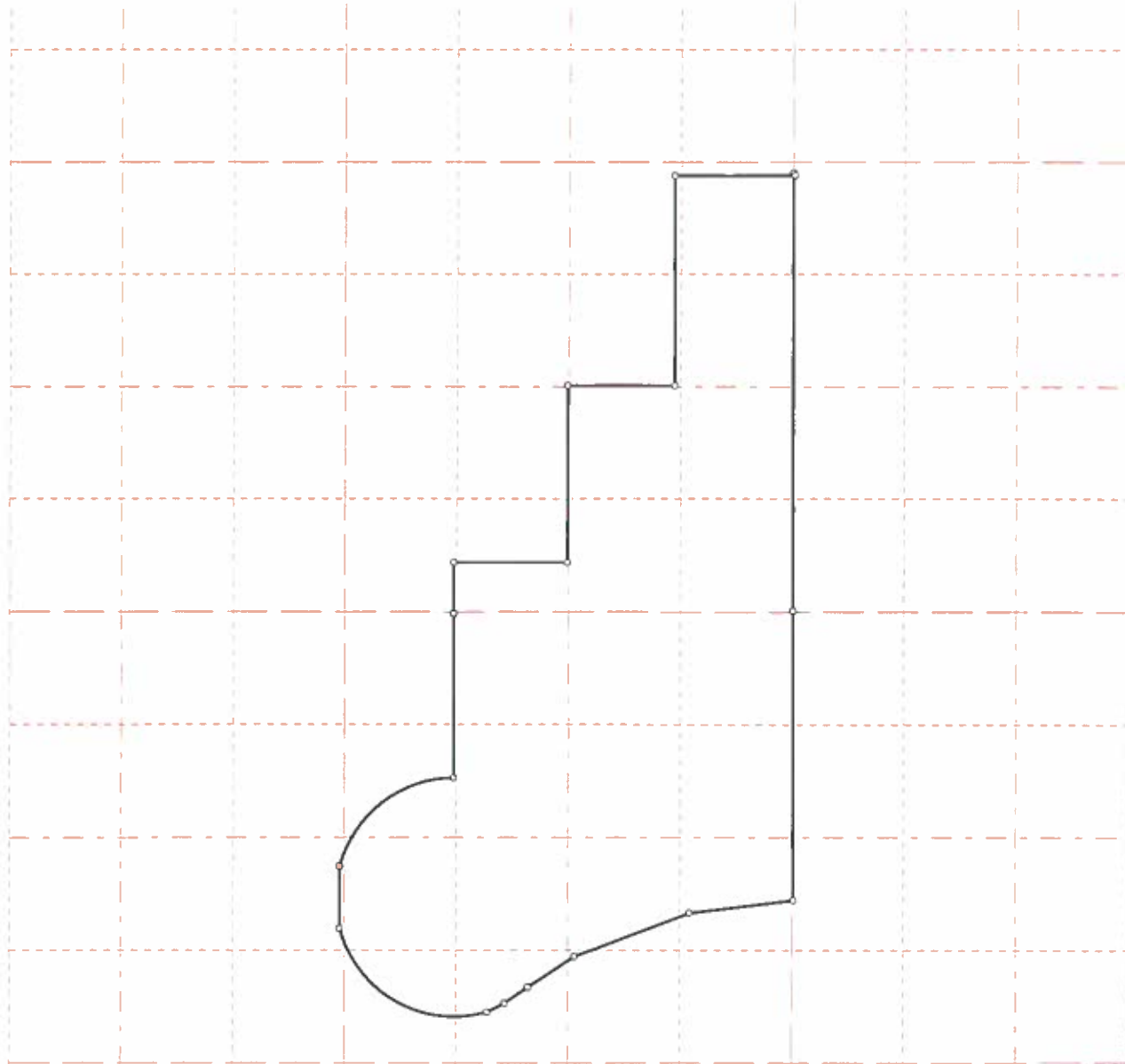
WITNESS my hand and official seal

NANCIE ANN BAARS
Notary Public

Residing At: File #20

Commission Expires: 7-21-2011





Title: *Instrument 214456*

Date: 08-01-2011

Scale: 1 inch = 2000 feet

File:

Tract 1: 692.938 Acres: 30184383 Sq Feet: Closure = n31.4611w 34.30 Feet: Precision = 1/824: Perimeter = 28276 Feet

001=n6.76s,14e

008=s56.2721w 334.08

015=n89.5640e 1339.67

002=s0.0509e 131.75

009=s62.4232w 232.23

016=n00.0022w 2072.19

003=s00.0509e 5136.07

010: Rt, R=1400, Delta=91.1006

017=n89.5910e 1262.81

004=s00.1032e 3390.55

011=n00.0300e 726.59

018=n00.0550w 2460.67

005=s83.0623w 1233.75

012: Rt, R=1400, Delta=74.3150

019=n89.4637e 1413.30

006=s69.1946w 1447.91

013=n00.0023w 1922.36

007=s56.4442w 655.17

014=n00.0023w 600

TRANSFER 78300

CORPORATION WARRANTY DEED

FOR VALUE RECEIVED,

AIRPORT RANCH, INC. an Idaho corporation

duly organized and existing under the laws of the State of Idaho, grantor does hereby Grant, Bargain, Sell and Convey unto:

SOUTHFIELD DAIRY, an Idaho General partnership

whose address is: 3308 S 1600 E, Wendell, Id 83355 grantee
the following described real estate to-wit:

See Attached Exhibit "A"

Instrument # 209476

GOODING, GOODING, IDAHO

2005-01-14

02:32:14 No. of Pages: 2

Recorded for: GOODING TITLE

HELEN EDWARDS

Fee: \$ 00

Ex-Officio Recorder Deputy

TOGETHER WITH: 53.99 shares Big Wood Canal Company water
 105 shares American Falls Reservoir District water
 Idaho Department of Water Resources ~~XXXXXX~~ 37-8326
 Idaho Department of Water Resources ~~XXXXXX~~ 37-2761B

SUBJECT TO current years taxes, irrigation district assessment, public utility easements, subdivision restrictions and U S
 patent reservations

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantee(s), his/her/their heirs
 and assigns forever And the said Grantor(s) do(es) hereby covenant to and with the said Grantee, that he/she/they is(are)
 the owner(s) in fee simple of said premises; that they are free from all encumbrances and that it will warrant and defend the
 same from all lawful claims whatsoever

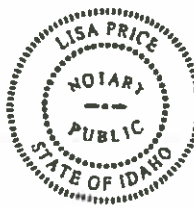
IN WITNESS WHEREOF, The Grantor pursuant to a resolution of its board of Directors has caused its corporate
 name to be hereunto subscribed by its Secretary this 14th day of January, in the year 2005

Airport Ranch, Inc

L Duane Johnson
 L. Duane Johnson, Secretary

STATE OF IDAHO)
) ss
 COUNTY OF Ada)

On This 14th day of January, in the year 2005, before me, a Notary Public in and for said State personally appeared
 L. Duane Johnson, known or identified to me to be the Secretary of the Corporation that executed the instrument or the
 person who executed the instrument on behalf of said Corporation and acknowledged to me that such Corporation executed
 the same



Lisa Price
 Notary Public of Idaho
 Residing at: Mendenhall
 Commission Expires: 10-14-09

1

TRANSFER 78300

**EXHIBIT A
G040705**

Township 6 South Range 14 East of the Boise Meridian, Gooding County Idaho

Section 15: The South one-half of the Northeast Quarter
The Northwest Quarter of the Northeast Quarter
The West one-half of the Northeast Quarter of the Northeast Quarter

AND

Section 10: The Southeast Quarter and the Southeast Quarter of the Northeast Quarter;

EXCEPT a parcel of land more particularly described as follows:

BEGINNING at the Section corner common to Section 2, 3, 10 and 11 Township 6 South Range 14 East of the Boise Meridian;
THENCE South 00°20' East 1320.0 feet to a point;
THENCE South 00°20' East a distance of 630.0 feet to the TRUE POINT OF BEGINNING;
THENCE South 48°40' West a distance of 146.0 feet;
THENCE South 82°08' West a distance of 208.0 feet;
THENCE South 64°40' West a distance of 360.0 feet;
THENCE South 84°40' West a distance of 300.0 feet;
THENCE South 07°00' East for a distance of 710.0 feet;
THENCE North 84°30' East a distance of 763.0 feet;
THENCE South 52°50' East a distance of 140.0 feet;
THENCE North along the Section line to the TRUE POINT OF BEGINNING

AND

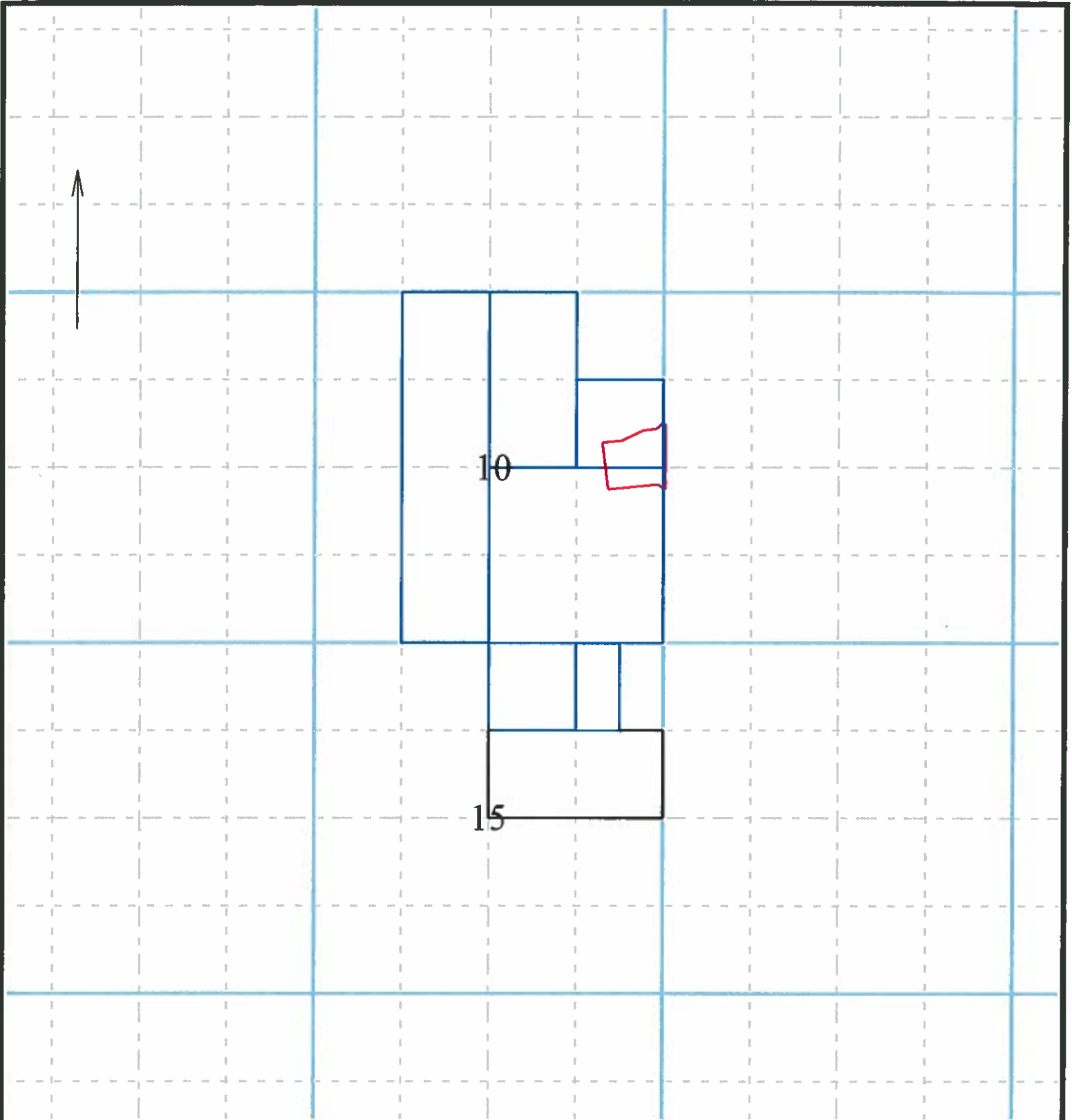
Township 6 South, Range 14 East of the Boise Meridian, Gooding County Idaho

Section 10: The East one-half of the West one-half
The West one-half of the Northeast Quarter

EXCEPT a parcel of land in the Southeast Quarter of the Southwest Quarter more particularly described as follows:

BEGINNING at the Southwest corner of said Southeast Quarter of the Southwest Quarter;
THENCE North along the West boundary of said Southeast Quarter of the Southwest Quarter 500.00 feet;
THENCE East parallel with the South boundary of said Southeast Quarter of the Southwest Quarter 425.00 feet more or less to the center of the "South Gooding Main Canal" of the Big Wood Canal Company System;
THENCE Southerly along the centerline of said Canal to the point of intersection with the South boundary of said Southeast Quarter of the Southwest Quarter;
THENCE West along the South boundary of said Southeast Quarter of the Southwest Quarter 410.00 feet more or less to the TRUE POINT OF BEGINNING

TOGETHER WITH an easement for ingress and egress for farming purposes across the West edge of the above described exception parcel and across the Northeast corner for the operation of a pivot



5/21/2015

Scale: 1 inch= 2000 feet

File:

+Tract 1: 80.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=7920 ft.
 Tract 2: 40.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=5280 ft.
 Tract 3: 20.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=3960 ft.
 Tract 4: 160.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=10560 ft.
 Tract 5: 40.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=5280 ft.
 -Tract 6: 16.1401 Acres, Closure: n38.2903w 34.16 ft. (1/106), Perimeter=3627 ft.
 Tract 7: 160.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=13200 ft.
 Tract 8: 80.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=7920 ft.
 Net Area= 63.8599 Acres, (2781736) Sq. Feet.

TRANSFER 78300

CORPORATION WARRANTY DEED

FOR VALUE RECEIVED,

AIRPORT RANCH, INC. an Idaho corporation

duly organized and existing under the laws of the State of Idaho, grantor does hereby Grant, Bargain, Sell and Convey unto:

SOUTHFIELD DAIRY, an Idaho General partnership

whose address is: 3308 S 1600 E, Wendell, Id 83355 grantee
the following described real estate to-wit:

See Attached Exhibit "A"

Instrument # 209478

GOODING, GOODING, IDAHO

2005-01-14 02:32:14 No. of Pages: 2

Recorded for: GOODING TITLE

HELEN EDWARDS

Fee: \$ 00

Ex-Officio Recorder Deputy

TOGETHER WITH: 53.99 shares Big Wood Canal Company water
 105 shares American Falls Reservoir District water
 Idaho Department of Water Resources ~~XXXXXX~~ 37-8326
 Idaho Department of Water Resources ~~XXXXXX~~ 37-2761B

SUBJECT TO current years taxes, irrigation district assessment, public utility easements, subdivision restrictions and U S
 patent reservations

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantee(s), his/her/their heirs
 and assigns forever And the said Grantor(s) do(es) hereby covenant to and with the said Grantee, that he/she/they is(are)
 the owner(s) in fee simple of said premises; that they are free from all encumbrances and that it will warrant and defend the
 same from all lawful claims whatsoever

IN WITNESS WHEREOF, The Grantor pursuant to a resolution of its board of Directors has caused its corporate
 name to be hereunto subscribed by its Secretary this 14th day of January, in the year 2005

Airport Ranch, Inc

L Duane Johnson
 L Duane Johnson, Secretary

STATE OF IDAHO)
) ss
 COUNTY OF Ada)

On this 14th day of January, in the year 2005 before me, a Notary Public in and for said State personally appeared
 L Duane Johnson, known or identified to me to be the Secretary of the Corporation that executed the instrument or the
 person who executed the instrument on behalf of said Corporation and acknowledged to me that such Corporation executed
 the same



Lisa Price
 Notary Public of Idaho
 Residing at: Meridian
 Commission Expires: 10-14-09

1

TRANSFER 78300

EXHIBIT A
G040705

Township 6 South Range 14 East of the Boise Meridian, Gooding County Idaho

Section 15: The South one-half of the Northeast Quarter
The Northwest Quarter of the Northeast Quarter
The West one-half of the Northeast Quarter of the Northeast Quarter

AND

Section 10: The Southeast Quarter and the Southeast Quarter of the Northeast Quarter:

EXCEPT a parcel of land more particularly described as follows:

BEGINNING at the Section corner common to Section 2, 3, 10 and 11 Township 6 South Range 14 East of the Boise Meridian;
THENCE South 00°20' East 1320.0 feet to a point;
THENCE South 00°20' East a distance of 630.0 feet to the TRUE POINT OF BEGINNING;
THENCE South 46°40' West a distance of 146.0 feet;
THENCE South 82°08' West a distance of 208.0 feet;
THENCE South 64°40' West a distance of 360.0 feet;
THENCE South 84°40' West a distance of 300.0 feet;
THENCE South 07°00' East for a distance of 710.0 feet;
THENCE North 84°30' East a distance of 783.0 feet;
THENCE South 52°50' East a distance of 140.0 feet;
THENCE North along the Section line to the TRUE POINT OF BEGINNING

AND

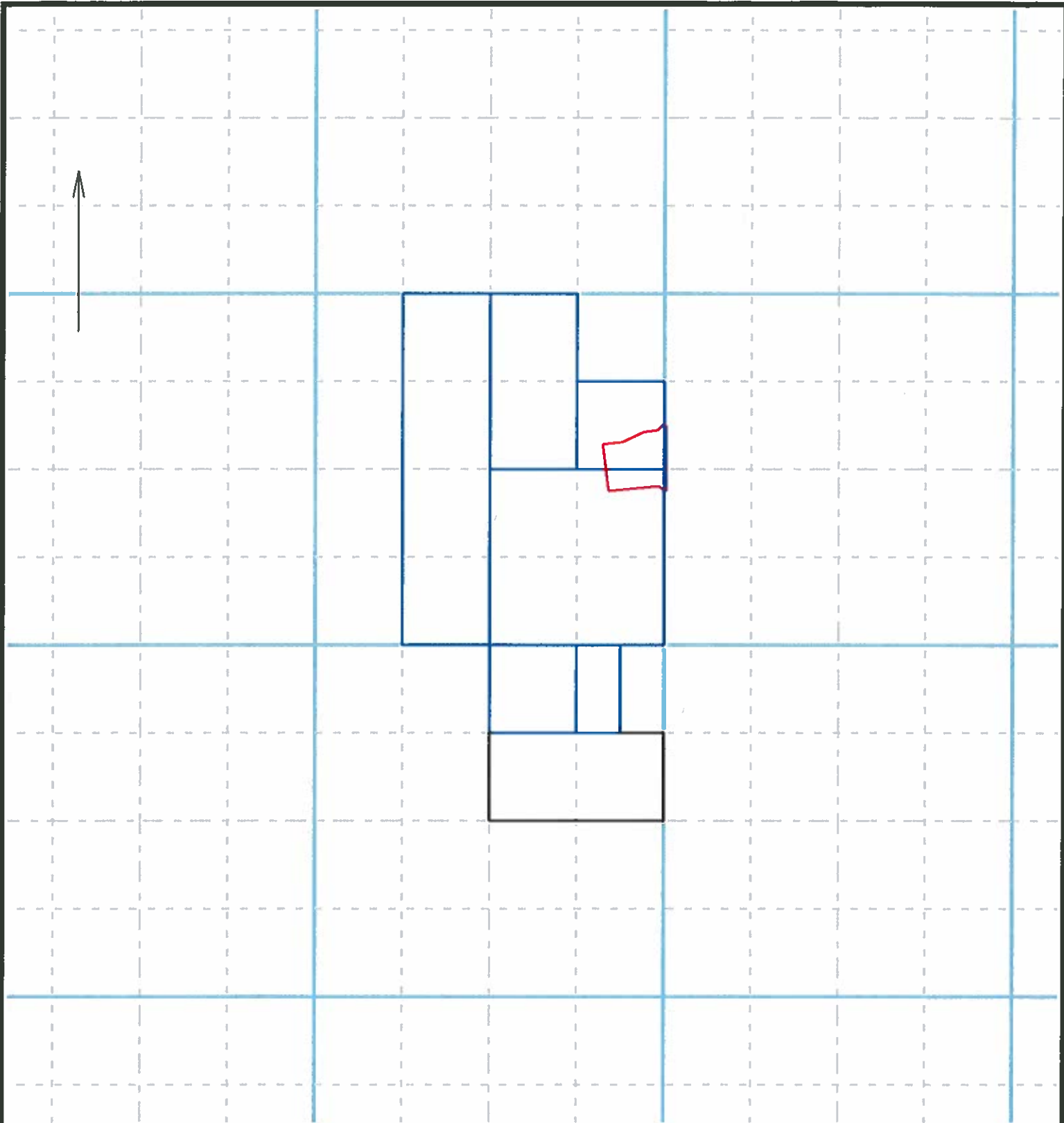
Township 6 South, Range 14 East of the Boise Meridian, Gooding County Idaho

Section 10: The East one-half of the West one-half
The West one-half of the Northeast Quarter

EXCEPT a parcel of land in the Southeast Quarter of the Southwest Quarter more particularly described as follows:

BEGINNING at the Southwest corner of said Southeast Quarter of the Southwest Quarter;
THENCE North along the West boundary of said Southeast Quarter of the Southwest Quarter 500.00 feet;
THENCE East parallel with the South boundary of said Southeast Quarter of the Southwest Quarter 425.00 feet more or less to the center of the "South Gooding Main Canal" of the Big Wood Canal Company System;
THENCE Southerly along the centerline of said Canal to the point of intersection with the South boundary of said Southeast Quarter of the Southwest Quarter;
THENCE West along the South boundary of said Southeast Quarter of the Southwest Quarter 410.00 feet more or less to the TRUE POINT OF BEGINNING

TOGETHER WITH an easement for ingress and egress for farming purposes across the West edge of the above described exception parcel and across the Northeast corner for the operation of a pivot



5/21/2015

Scale: 1 inch= 2000 feet

File:

+Tract 1: 80.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=7920 ft.
 Tract 2: 40.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=5280 ft.
 Tract 3: 20.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=3960 ft.
 Tract 4: 160.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=10560 ft.
 Tract 5: 40.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=5280 ft.
 --Tract 6: 16.1401 Acres, Closure: n38.2903w 34.16 ft. (1/106), Perimeter=3627 ft.
 Tract 7: 160.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=13200 ft.
 Tract 8: 80.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=7920 ft.
 Net Area= 63.8599 Acres, (2781736) Sq. Feet.

Tract Data and Deed Calls

+Tract 01: 80.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=7920 ft.
Tract 02: 40.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=5280 ft.
Tract 03: 20.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=3960 ft.
Tract 04: 160.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=10560 ft.
Tract 05: 40.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=5280 ft.
-Tract 06: 16.1401 Acres, Closure: n38.2903w 34.16 ft. (1/106), Perimeter=3627 ft.
Tract 07: 160.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=13200 ft.
Tract 08: 80.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=7920 ft.
Net Area= 63.8599 Acres, (2781736) Sq. Feet.

1: /ne,s,ne,15,6s,14e
2: s0w 1320.00
3: s90w 2640.00
4: n0e 1320.00
5: n90e 2640.00
6: @0
7: /ne,nw,ne,15,6s,14e
8: s0w 1320.00
9: s90w 1320.00
10: n0e 1320.00
11: n90e 1320.00
12: @0
13: /ne,w,ne,ne,15,6s,14e
14: s0w 1320.00
15: s90w 660.00
16: n0e 1320.00
17: n90e 660.00
18: @0
19: /ne,se,10,6s,14e
20: s0w 2640.00
21: s90w 2640.00
22: n0e 2640.00
23: n90e 2640.00
24: @0
25: /ne,se,ne,10,6s,14e
26: s0w 1320.00
27: s90w 1320.00
28: n0e 1320.00
29: n90e 1320.00
30: @0 -
31: /ne,10,6s,14e
32: /s00.20e 1320
33: /s00.20e 630
34: s46.40w 146
35: s82.08w 208
36: s64.40w 360
37: s84.40w 300
38: s07.00e 710
39: n84.30e 763
40: s52.50e 140
41: n0e 1000
42: @0
43: /ne,e,w,10,6s,14e
44: s0w 5280.00
45: s90w 1320.00
46: n0e 5280.00
47: n90e 1320.00
48: @0
49: /ne,w,ne,10,6s,14e
50: s0w 2640.00
51: s90w 1320.00
52: n0e 2640.00

Tract Data and Deed Calls

53: n90e 1320.00

RECEIVED
OCT 06 2015
DEPT OF WATER RESOURCES
SOUTHERN REGION

WATER USE AGREEMENT

TO ALL CONCERNED,:

On this 1 day of Oct I/we, Connie Whitworth
do hereby agree to allow Southfield Properties, LLC to irrigate a portion of the
(Grantee)
Grantor's property as shown on attached Exhibit-A with water properly authorized and
diverted under Grantee's water rights and through Grantee's existing water delivery
system.

Subject to the following conditions:

1. **Term of Agreement:** This Agreement shall become effective on the date signed and the term of this Agreement shall continue indefinitely unless requested in writing by either party.
2. **Ownership of the Water Rights & Irrigation System:** Ownership of the Water Rights and irrigation system appurtenances shall at all times remain vested in the Grantee and this agreement shall not be construed to provide Grantor any claim or interest to the water rights utilized for irrigation of the property associated with this agreement. Any wells, pipelines, or other facilities whether existing, or that have been constructed or installed in connection with the conveyance of water pursuant to this agreement shall remain the property of the Grantee.
3. **Maintenance of the Water Rights:** Grantee agrees to abide by all necessary rules and regulations promulgated by the State of Idaho related to the use and maintenance of the Water Rights, and to perform at its own expense all filings and other activities required by such rules and regulations as may be necessary associated with this agreement.
4. **Payments and Costs.**
 - a. Grantee shall be responsible for and shall bear all direct costs of permitting, operation and maintenance of the wells, water pipelines, pumping stations, and other facilities required to irrigate the described property, including any tests or monitoring necessary.
 - b. Upon execution of this Agreement, _____ shall pay to JD the sum of \$ 4 per acre for a total of \$ 4 per year or fraction thereof as consideration for allowing the irrigation water to be applied to the property.

5. Cooperation. The Grantor hereby agrees to cooperate with the Idaho Department of Water Resources for proper development, permitting and utilization of the Grantees Water Rights for irrigation of the described property. Any such necessary filings shall be in the name of the Grantee.
6. Notices. Any notice provided for in or concerning this Agreement shall be in writing and be deemed sufficiently given when sent by certified or registered United States mail or by overnight delivery by a nationally recognized carrier to the respective address of the Grantors and Grantee as set forth below

➤ If to the Grantors:

Name: CONNIE Whitworth
Street: 1235 Hwy 216
City/State: BLISS, ID 83320
Phone: 208-481-2055

➤ If to Grantee:

Name: Southfield Properties, LLC
Street: 3308 S. 1600 E.
City/State: Wendell, ID 83355
Phone: (208) 536-5414

7. Governing Law. This Agreement shall be governed by, construed, and enforced in accordance with the laws of the state of Idaho.
8. Entire Agreement. This Agreement shall constitute the entire agreement between the Parties and supersedes any prior understanding, representation, or agreement of the Parties regarding the subject matter hereof. Any modification of this Agreement or additional obligation assumed by either Party in connection with this Agreement shall be binding only if evidenced in writing signed by each Party or an authorized representative of each Party.
9. Authorization. Each individual executing this Agreement does thereby represent and warrant that he or she has been duly authorized to sign this Agreement in the capacity on behalf of the entities it represents.
10. Execution of Agreement. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Agreement.

Connie Whitworth
Connie Whitworth

Name of Grantor

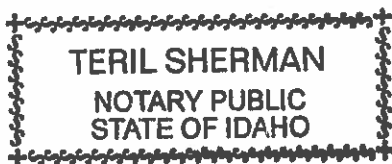
Name of Grantor

State of Idaho)

County of Gooding)

This instrument was acknowledged before me on the 1 day of October,

2015 by Teril Sherman.



Notary Public

My commission expires 4-11-2020.
Residing at Twin Falls, Idaho

Name

Name

Title

Title

Grantee

Grantee

State of Idaho)

County of Gooding)

This instrument was acknowledged before me on the _____ day of _____.

2015

Notary Public

My commission expires _____.



10801 Mastin Blvd.
Suite 930
Overland Park, KS 66210

MetLife[®]

RECEIVED
SEP 19 2011
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Mr. Benny Walker
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Barry L. Bogseth
Regional Director
Central Regional Office
Agricultural Investments

(913) 338-0629
(913) 231-9666 CELL
(913) 661-2267 FAX
bbogseth@metlife.com
www.metlife.com/ag

Re Metropolitan Life Insurance Company ("MetLife") Loan 176761, 193122 and 194686 – Southfield Dairy, an Idaho general partnership, Southfield Properties, LLC. (collectively, the "Borrower") Gooding County, Idaho

Application for Transfer of Water Rights No. 75870

Dear Mr. Walker:

MetLife holds a security interest in water right numbers 37-2761B and 37-8326 (the "Water Rights") and has been asked to consent to the transfer of these Water Rights to permit the beneficial use of 24 acres of center pivot irrigated cropland located in Gooding County, Idaho.

This letter serves as written acknowledgment and consent to the transfer of Water Rights as fully described in the State of Idaho Department of Water Resources Application for Transfer of Water Right Transfer No. 75870 (as attached).

**METROPOLITAN LIFE INSURANCE
COMPANY**

By: 

Name: Barry L. Bogseth

Its: Director

September 16, 2011

Encl.
BLB/njm

1

TRANSFER 78300

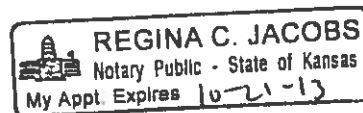
STATE OF Kansas)
) ss.
COUNTY OF Johnson)

Before me, a Notary Public in and for said County and State, personally appeared Barry L. Bogseth, the Director of Metropolitan Life Insurance Company, and acknowledged the execution of the foregoing instrument on behalf of said holders, and who, has been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 16th day of September, 2011.

Regina C. Jacobs
(Notary Public)

My Commission Expires: 10/21/13



Copies to: Southfield Dairy
Clear Creek Land and Management
Chad Brown

WATER USE AGREEMENT

RECEIVED
AUG 01 2011
DEPT. OF WATER RESOURCES
SOUTHERN REGION

TO ALL CONCERNED,:

On this 12 day of July 2011, I/we, Patrick M. Richards
(Grantors)
do hereby agree to allow Southfield Properties, LLC
(Grantee)
Grantor's property as shown on attached Exhibit-A with water properly authorized and
diverted under Grantee's water rights and through Grantee's existing water delivery
system.

Subject to the following conditions:

1. **Term of Agreement:** This Agreement shall become effective on the date signed and the term of this Agreement shall continue indefinitely unless requested in writing by either party.
2. **Ownership of the Water Rights & Irrigation System:** **Ownership of the Water Rights and irrigation system appurtenances shall at all times remain vested in the Grantee** and this agreement shall not be construed to provide Grantor any claim or interest to the water rights utilized for irrigation of the property associated with this agreement. Any wells, pipelines, or other facilities whether existing, or that have been constructed or installed in connection with the conveyance of water pursuant to this agreement shall remain the property of the Grantee.
3. **Maintenance of the Water Rights:** Grantee agrees to abide by all necessary rules and regulations promulgated by the State of Idaho related to the use and maintenance of the Water Rights, and to perform at its own expense all filings and other activities required by such rules and regulations as may be necessary associated with this agreement.
4. **Payments and Costs.**
 - a. Grantee shall be responsible for and shall bear all direct costs of permitting, operation and maintenance of the wells, water pipelines, pumping stations, and other facilities required to irrigate the described property, including any tests or monitoring necessary.
 - b. Upon execution of this Agreement, _____ shall pay to _____ the sum of \$ 7 per acre for a total of \$ 7 per year or fraction thereof as consideration for allowing the irrigation water to be applied to the property.

RECEIVED
AUG 01 2011
DEPT. OF WATER RESOURCES
SOUTHERN REGION

5. **Cooperation.** The Grantor hereby agrees to cooperate with the Idaho Department of Water Resources for proper development, permitting and utilization of the Grantees Water Rights for irrigation of the described property. Any such necessary filings shall be in the name of the Grantee.
6. **Notices.** Any notice provided for in or concerning this Agreement shall be in writing and be deemed sufficiently given when sent by certified or registered United States mail or by overnight delivery by a nationally recognized carrier to the respective address of the Grantors and Grantee as set forth below

➤ If to the Grantors:

Name: _____
Street: _____
City/State: _____
Phone: _____

➤ If to Grantee:

Name: Southfield Properties, LLC
Street: 3308 S., 1600 E.
City/State: Wendell, ID 83355
Phone: (208) 536-5414

7. **Governing Law.** This Agreement shall be governed by, construed, and enforced in accordance with the laws of the state of Idaho.
8. **Entire Agreement.** This Agreement shall constitute the entire agreement between the Parties and supersedes any prior understanding, representation, or agreement of the Parties regarding the subject matter hereof. Any modification of this Agreement or additional obligation assumed by either Party in connection with this Agreement shall be binding only if evidenced in writing signed by each Party or an authorized representative of each Party.
9. **Authorization.** Each individual executing this Agreement does thereby represent and warrant that he or she has been duly authorized to sign this Agreement in the capacity on behalf of the entities it represents.
10. **Execution of Agreement.** This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Agreement.

RECEIVED
AUG 01 2011
DEPT. OF WATER RESOURCES
SOUTHERN REGION

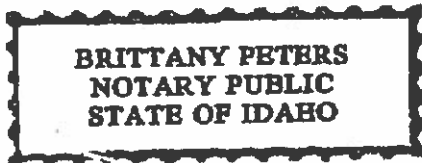
Patrick M Richards

Name
Grantor

Name
Grantor

State of Idaho)
County of Gooding)

This instrument was acknowledged before me on the 12th day of July,
20 11 by Patrick M Richards



[Signature]
Notary Public
My commission expires 8-7-12

Name

Name

Title
Grantee

Title
Grantee

State of Idaho)
County of Gooding)

This instrument was acknowledged before me on the _____ day of _____,
20____ by _____

Notary Public
My commission expires _____

No. W 70060	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. SOUTHFIELD PROPERTIES, LLC EDWIN SOUTHFIELD 3308 S 1600 E WENDELL ID 83355		EDWIN SOUTHFIELD 3308 S 1600 E WENDELL ID 83355			
			3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
MANAGER	EDWIN SOUTHFIELD	3310 S 1600 E	WENDELL	ID		83355
MEMBER	ARIE ROELOFFS	3308 SOUTH 1600 EAST	WENDELL	ID	USA	83355-3227
5. Organized Under the Laws of: ID W 70060		6. Annual Report must be signed.* Signature: Edwin Southfield Name (type or print): Edwin Southfield Date: 11/16/2015 Title: Owner/Partner				
Processed 11/16/2015		* Electronically provided signatures are accepted as original signatures.				

TRANSFER 78300

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

Amended-

APPLICATION FOR TRANSFER OF WATER RIGHT
MINIMUM REQUIREMENTS CHECKLIST

COPY

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 and water right proof report or details report for Part 2A of the transfer application are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

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 Proof Report (obtained from Department) or Details Report (obtained on website) 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.)

RECEIVED
JUL 13 2010
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #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 transfer 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).
- ☐ ☒ #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 <http://www.idwr.idaho.gov/water/rights/>.
- ☐ ☒ #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.
- ☐ ☒ #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.)
- ☐ ☒ #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 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

JUL 13 2010

DEPT. OF WATER RESOURCES
SOUTHERN REGIONName of Applicant(s) SOUTHFIELD PROPERTIES LLC

Phone _____

Mailing address 3308 S. 1600 E., WENDELL, IDAHO 83355

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 RepresentativeName of Representative TSK ENTERPRISES LLC/GARY L FUNDERBURGPhone 208 320-0897Mailing address 255 BLUE LAKES BLVD NTH, PMB 617, TWIN FALLS, IDAHO 83301

Email _____

☐ Send all correspondence for this application to the representative and not to the applicant.

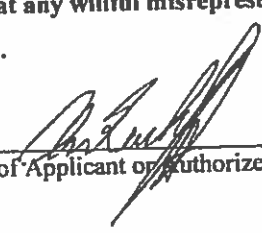
OR

☒ 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

Arie Roeloffs Partner
 Print Name and Title if applicable

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

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.
- _____
- _____
- _____

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.

<u>1. Right Number</u>	<u>Amount</u> <u>(cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
37-2761B	0.48 / 147.6	IRRIGATION	3/15 to 11/15	GROUNDWATER
37-8326	0.13 / 23.9	IRRIGATION	3/15 to 11/15	GROUNDWATER
			to	
			to	
			to	
			to	
			to	
			to	
			to	
			to	
Total <u>0.64</u> cfs and/or <u>171.5</u> ac-ft				

2. Total amount of water being transferred or changed 57.8 cubic feet per second and/or 171.5 acre-feet per annum.

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 #
		NE	NE	NE	18	6S	14E	GOODING	GROUNDWATER	
		NE	NE	NW	18	6S	14E	GOODING	GROUNDWATER	

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	
6S	14E	07	33			38									39	29	38	39	216
		18	35	30	40	37	36		26	39	40	36	12	12	22	39			404

Total Acres (for irrigation use) 620

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: WELLS, MOTORS, PUMPS AND SPRINKLER SYSTEMS.

- b. Who owns the property at the point(s) of diversion? APPLICANT
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☒ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: _____
LANDS WILL BE DRIED UP FROM GROUNDWATER.

- e. 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: _____

- f. 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: _____

Total Acres (for irrigation use) 57.0

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1. of the application, attach a Proof Report (obtained from Department) or Details Report (obtained from website @ <http://www.idwr.idaho.gov/apps/ExtSearch/SearchWRAJ.asp>). Label it **Part 2A.**

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable.

Right Number: 37-2761B

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

[illegible]

Total Acres (for irrigation use) 545.0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1. of the application, attach a Proof Report (obtained from Department) or Details Report (obtained from website @ <http://www.idwr.idaho.gov/apps/ExtSearch/SearchWRAJ.asp>). Label it Part 2A.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable.

Right Number: 37-2761B

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

[illegible]

Total Acres (for irrigation use) 57.0

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.

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.

- I. 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.:

Remarks: Associated right 36-4021 (waste water) 36-7377,36-7547F

FOR DEPARTMENT USE ONLY

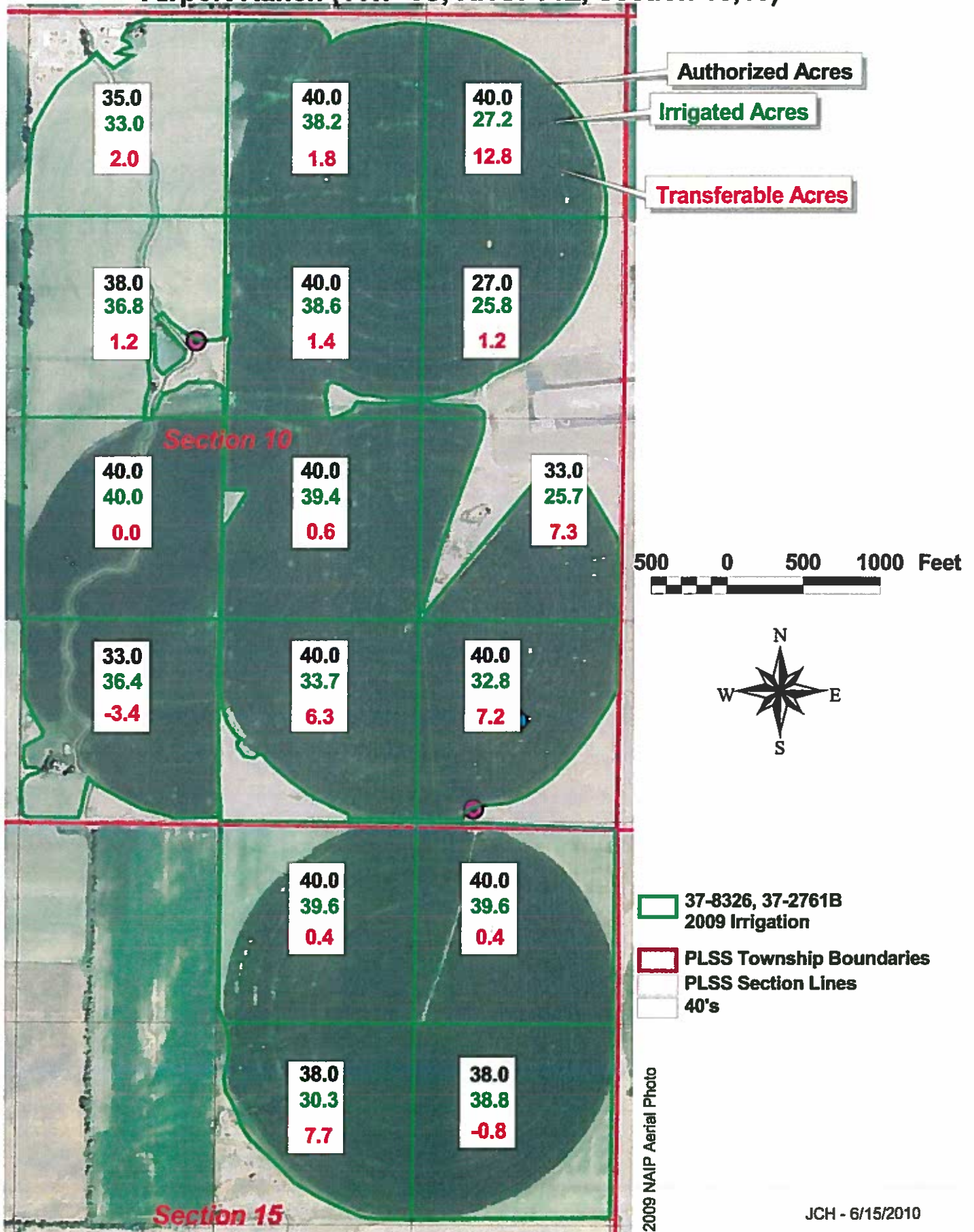
Transfer contains _____ pages and _____ attachments.

Received by _____ Date 7/31/2010 Prelim. Check by _____ Date _____

Fee Paid see original Date _____ Received by _____ Receipt # _____

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

Southfield Properties Airport Ranch (TWP 6S, RNG. 14E, Section 10,15)



TRANSFER 75870

JCH - 6/15/2010

gary funderburg

From: "Jason" <jhelms@teidaho.com>
To: "Gary Funderburg" <denisekayf@cableone.net>
Sent: Friday, July 09, 2010 6:47 PM
Attach: Narrative in Support of Transfer.pdf
Subject: Southfield ESPA Analysis

COPY

Gary,

Here is the ESPA Analysis for the transfer to Southfield from the Airport.

I modified the dry-up a little bit, may need some massage here and there later.
 Overall, dryup 57 acres (228 acre-ft) and provide 42.9 acres (171.5 acre-ft) to the NOV location
 Please note the proportional split of the rights as follows:

DRY-UP:

Water Right	Priority	Diversion Rate		Diversion Volume		Acres	
37-2761B	7/14/1967	0.48	0.64	196.2	228.0 combined	49.0	57.0
37-8326	1/6/1988	0.13	combined	31.8		8.0	combined
TOTAL:		0.64 combined		228.0 combined		57.0 combined	

0.61 ?

TRANSFER USABLE:

Water Right	Priority	Diversion Rate		Diversion Volume		Acres	
37-2761B	7/14/1967	0.36	0.48	147.6	171.5 combined	36.9	42.9
37-8326	1/6/1988	0.10	combined	23.9		6.0	combined
TOTAL:		0.48 combined		171.5 combined		42.9 combined	

0.46 ?

Acreages:

Existing water right place of use

		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW
6S,14E	Section 10	40	40	40	27	35			38	4
6S,14E	Section 15	40	40	38	38					

Proposed Transfers

Transfer to NOV (6S,14E-18, ref. extg. WR: 37-8732)

6S,14E	Section 10	12.8	1.8	1.4	1.2	4.3			3.2	
6S,14E	Section 15	-0.3	0.4	7.7	-1.1					

REMAINING WATER RIGHT PLACE OF USE

27.2	38.2	38.6	25.8	30.7			34.8	3
40.3	39.6	30.3	39.1					

The negative values shown in Pink indicate irrigation exceeding authorized acreage in those 40's. I specified the

TRANSFER 75870

7/12/2010

Southfield Properties
Proposed Water Right Split Transfer

Existing Water Rights as Listed by IDWR (6S,14E-10,15)							
Water Right	Priority	Diversion Rate		Diversion Volume		Acres	
37-2761B	7/14/1967	5.04	6.76 combined	2072.0	2408.0 combined	518	602.0 combined
37-8326	1/6/1988	1.36		336.0		84	
		6.4		2408			602

PROPOSED OFF-SETTING TRANSFERS from Idaho Water Co. LLC

9.5% Transfer to NOV (6S,14E-18, ref. extg. WR: 37-8732)							
Water Right	Priority	Diversion Rate		Diversion Volume		Acres	
37-2761B	7/14/1967	0.48	0.64 combined	196.2	228.0 combined 196.2/36	49.0	57.0 combined
37-8326	1/6/1988	0.13		31.8		8.0	
		0.61		228			57
TOTAL:		0.64 combined		228.0 combined		57.0 combined	

from where to where $196.2/3 = 65.4$ (modeled?)
 $228/3 = 76$? $171.5/3 = 57.17$?

90.5% Cannon-Shelley Remaining After Transfers (5N,36E-31,32)							
Water Right	Priority	Diversion Rate		Diversion Volume		Acres	
37-2761B	7/14/1967	4.56	6.12 combined	1875.8	2180.0 combined	469.0	545.0 combined
37-8326	1/6/1988	1.23		304.2		76.0	
		5.79		1876/304	2180		

COPY

APPENDIX B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 75870**APPLICATION FOR TRANSFER OF WATER RIGHT
MINIMUM REQUIREMENTS CHECKLIST**

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 and water right proof report or details report for Part 2A of the transfer application are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

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 Proof Report (obtained from Department) or Details Report (obtained on website) 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 #1-9.

- ☐ ☐ #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 transfer 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).
- ☐ ☒ #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 <http://www.idwr.idaho.gov/water/rights/>.
- ☒ ☐ #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.
- ☐ ☒ #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.)
- ☐ ☒ #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 Other. Please describe: _____

RECEIVED

AUG 20 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

ORIGINAL

COPYSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**T75870 RECEIVED
AUG 20 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGIONName of Applicant(s) SOUTHFIELD PROPERTIES LLC Phone _____Mailing address 3308 S. 1600 E., WENDELL, IDAHO 83355 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 RepresentativeName of Representative TSK ENTERPRISES LLC/GARY L FUNDERBURG Phone 208 320-0897Mailing address 255 BLUE LAKES BLVD NTH, PMB 617, TWIN FALLS, IDAHO 83301 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

 Arie Roeloffs Partner
 Print Name and Title if applicable

 Signature of Applicant or Authorized Representative

 Print Name and Title if applicable
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. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

T75870

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
36-2297	0.88 / 176	IRRIGATION	3/15 to 11/15	GROUNDWATER
37-2549	1.86 / 400	IRRIGATION	3/15 to 11/15	GROUNDWATER
37-2550	2.67 / 568	IRRIGATION	3/15 to 11/15	GROUNDWATER
37-7370	3.26 / 652	IRRIGATION	3/15 to 11/15	GROUNDWATER
37-7572	2.53 / 492	IRRIGATION	3/15 to 11/15	GROUNDWATER
37-7634	1.31 /	IRRIGATION	3/15 to 11/15	GROUNDWATER
37-8732	3.0 / 1273.4	IRRIGATION	3/15 to 11/15	GROUNDWATER
			to	
			to	
Total <u>15.51</u> cfs and/or <u>2480</u> ac-ft				

2. Total amount of water being transferred or changed 15.51 cubic feet per second and/or 2480 acre-feet per annum.

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 #
		NE	NE	NE	18	6S	14E	GOODING	GROUNDWATER	
		NE	NE	NW	18	6S	14E	GOODING	GROUNDWATER	

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	
8S	14E	07	33			38									39	29	38	39	216
		18	35	30	40	37	36		26	39	40	36	12	12	22	39			404

Total Acres (for irrigation use) 620

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: WELLS, MOTORS, PUMPS AND SPRINKLER SYSTEMS.

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

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☒ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: _____
LANDS WILL BE DRIED UP FROM GROUNDWATER.

- f. 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: _____

Total Acres (for irrigation use) 44

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

RECEIVED
AUG 20 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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.

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 rights(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

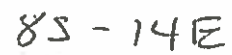
- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it Attachment #8b.

1. 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.: _____

Remarks: Associated right 36-4021 (waste water) 36-7377,36-7547F

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.
Received by JS Date 8-20-09 Prelim. Check by _____ Date _____
Fee Paid \$500. Date 8-20-09 Received by JS Receipt # 5031054
Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____



*As Q
Rights*[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/18/2009

WATER RIGHT NO. 36-7377F

Owner Type	Name and Address
Current Owner	SOUTHFIELD PROPERTIES LLC 3308 S 1600 E WENDELL, ID 83355 (208) 536-5414
Original Owner	KATHERINE L BRANCHFLOWER
Original Owner	MICHAEL G BRANCHFLOWER PO BOX 575 HAGERMAN, ID 83332-0575 (208)543-2322

Priority Date: 09/07/1973

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	0.24 CFS	62 AFA
Total Diversion			0.24 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENE	Sec. 09	Township 08S	Range 14E	GOODING County
--------------	------	---------	--------------	-----------	----------------

TRANSFER 75870

IRRIGATION Use:
Acre Limit: 15.5

Place(s) of use:

Place of Use Legal Description: IRRIGATION GOODING County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
08S	14E	9		NENE	28.1		NWNE	32.9		SWNE	40		SENE	40

Total Acres: 141

Conditions of Approval:

1.	P21	THIS RIGHT IS A SPLIT FROM FORMER RIGHT 36-7377C, PER APPROVED TRANSFER #5523.
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.		Prior to diversion of water under this approval, the right holder shall install measuring devices acceptable to the Department and shall measure and annually report to the Department the amount (cfs and AF) of water diverted under this transfer. Reporting through a measuring district or a groundwater district will suffice although the Director may require more frequent measuring and reporting. Right 36-02297 is limited to the irrigation of 91.0 acres within the place of use described above in a single irrigation season. Right 36-07377F is limited to the irrigation of 15.5 acres within the place of use described above in a single irrigation season. Right 36-07547F is limited to the irrigation of 32.0 acres within the place of use described above in a single irrigation season. Rights 36-07377F and 36-07547F when combined shall not exceed a total diversion rate of 0.49 cfs, a total annual maximum diversion volume of 128.0 af at the field headgate, and the irrigation of 32.0 acres. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval unless extended for cause by the Director. The right holder shall use the full allotment of appurtenant shares of surface water provided by the North Side Canal Co. Ltd. in conjunction with groundwater diverted under Right 36-02297 and shall only divert groundwater under 36-02297 when water from the appurtenant surface water rights cannot be delivered to the right holder. If the surface water right(s) appurtenant to the place of use is sold, transferred or used on any other place of use, Right 36-02297 to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
4.	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.
5.	R64	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Dates:

Licensed Date:

Decreed Date: 04/26/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 130

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

Assets
Rights[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/18/2009

WATER RIGHT NO. 36-7547F

Owner Type	Name and Address
Current Owner	SOUTHFIELD PROPERTIES LLC 3308 S 1600 E WENDELL, ID 83355 (208) 536-5414
Original Owner	KATHERINE L BRANCHFLOWER
Original Owner	MICHAEL G BRANCHFLOWER PO BOX 575 HAGERMAN, ID 83332-0575 (208)543-2322

Priority Date: 05/13/1975

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	0.35 CFS	128 AFA
Total Diversion			0.35 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENE	Sec. 09	Township 08S	Range 14E	GOODING County
--------------	------	---------	--------------	-----------	----------------

TRANSFER 75870

IRRIGATION Use:
Acre Limit: 32

Place(s) of use:

Place of Use Legal Description: IRRIGATION GOODING County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
08S	14E	9		NENE	28.1		NWNE	32.9		SWNE	40		SENE	40

Total Acres: 141

Conditions of Approval:

1.	P21	THIS RIGHT IS A SPLIT FROM FORMER RIGHT 36-7547C PER APPROVED TRANSFER #5523..
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.		Prior to diversion of water under this approval, the right holder shall install measuring devices acceptable to the Department and shall measure and annually report to the Department the amount (cfs and AF) of water diverted under this transfer. Reporting through a measuring district or a groundwater district will suffice although the Director may require more frequent measuring and reporting. Right 36-02297 is limited to the irrigation of 91.0 acres within the place of use described above in a single irrigation season. Right 36-07377F is limited to the irrigation of 15.5 acres within the place of use described above in a single irrigation season. Right 36-07547F is limited to the irrigation of 32.0 acres within the place of use described above in a single irrigation season. Rights 36-07377F and 36-07547F when combined shall not exceed a total diversion rate of 0.49 cfs, a total annual maximum diversion volume of 128.0 af at the field headgate, and the irrigation of 32.0 acres. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval unless extended for cause by the Director. The right holder shall use the full allotment of appurtenant shares of surface water provided by the North Side Canal Co. Ltd. in conjunction with groundwater diverted under Right 36-02297 and shall only divert groundwater under 36-02297 when water from the appurtenant surface water rights cannot be delivered to the right holder. If the surface water right(s) appurtenant to the place of use is sold, transferred or used on any other place of use, Right 36-02297 to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
4.	R64	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5.	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.

Dates:**Licensed Date:****Decreed Date:** 04/26/2002**Enlargement Use Priority Date:****Enlargement Statute Priority Date:****Water Supply Bank Enrollment Date Accepted:****Water Supply Bank Enrollment Date Removed:****Application Received Date:****Protest Deadline Date:****Number of Protests:** 0**Other Information:****State or Federal:****Owner Name Connector:****Water District Number:** 130**Generic Max Rate per Acre:****Generic Max Volume per Acre:****Civil Case Number:****Old Case Number:****Decree Plaintiff:****Decree Defendant:****Swan Falls Trust or Nontrust:****Swan Falls Dismissed:****DLE Act Number:****Cary Act Number:****Mitigation Plan:** False[Close](#)

Jr ~~Right~~
right

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/18/2009

WATER RIGHT NO. 37-8732

Owner Type	Name and Address
Current Owner	SOUTHFIELD PROPERTIES LLC 3308 S 1600 E WENDELL, ID 83355 (208) 536-5414
Original Owner	JAMES D NAFZIGER 750 MEADOW DR TWIN FALLS, ID 83301-4877 (208)736-7495

Priority Date: 04/13/1991

Basis: License

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	3 CFS	1273.4 AFA
Total Diversion			3 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENE	Sec. 18	Township 06S	Range 14E	GOODING County
GROUND WATER	NENW	Sec. 18	Township 06S	Range 14E	GOODING County

Licensed Diversion Capacity: 11.48

TRANSFER 75870

Place(s) of use:

Place of Use Legal Description: IRRIGATION GOODING County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06S	14E	7		NENE	33		SENE	38						
				NESE	39		NWSE	29		SWSE	38		SESE	39
		18		NENE	35		NWNE	30		SWNE	34		SENE	37
				NENW	36	2	SWNW	11		SENE	39			
				NESW	35	3	NWSW	36	4	SWSW	12		SESW	12
				NESE	22		NWSE	32						

Total Acres: 587

Conditions of Approval:

1.	R56	Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
2.	R57	The Director retains jurisdiction of the right and may change, add, or remove any requirement as determined to be appropriate.
3.		Two points of diversion are located within NENE, S18, T06S, R14E. The following rights are also diverted through the points diversion described above: 37-02549, 37-02550, 37-07370, 37-07572 and 37-07634. Use of this right with the rights listed below is limited to a total combined diversion rate of 10.8 cfs and a total combined annual diversion volume of 2348.0 af. The combined rights include: 37-02549, 37-02550, 37-07370, 37-07572 and 37-07634. This right when combined with the following rights and all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above. The combined rights include: 37-02549, 37-02550, 37-07370, 37-07572 and 37-07634.
4.	R55	This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

Dates:

Licensed Date: 10/11/1995

Decreed Date:

Permit Proof Due Date: 2/1/1993

Permit Proof Made Date: 3/18/1993

Permit Approved Date: 1/27/1992

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 02/27/1991

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 130

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit: 2348

Combined Rate Limit: 10.8

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

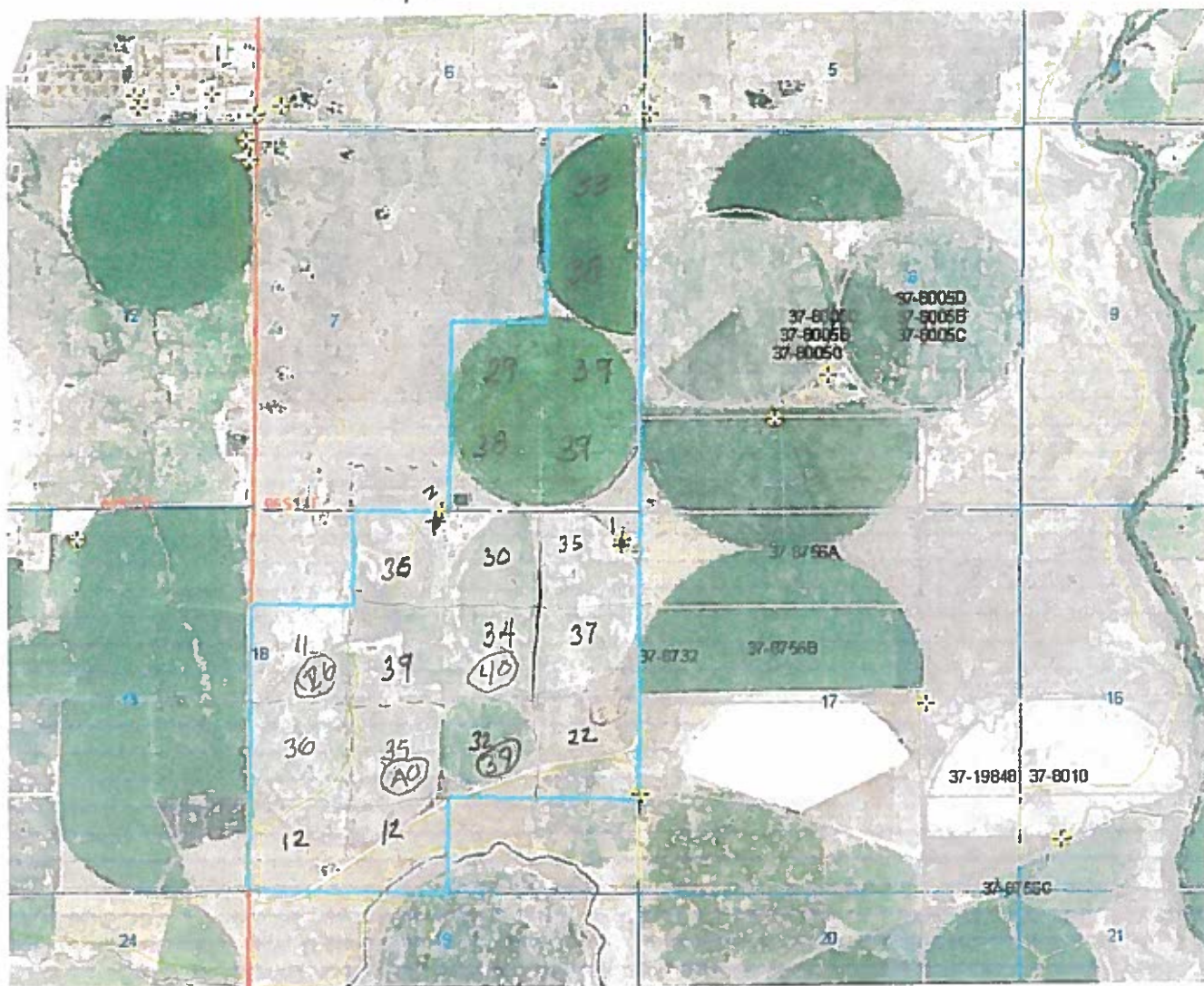
DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

105 R14E



Irv
620

587 ACS

TRANSFER 75870

8/11/2009

Associated
to 12/4/05

Waste Water

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/18/2009

WATER RIGHT NO. 36-4021

Owner Type	Name and Address
Current Owner	SOUTHFIELD PROPERTIES LLC 3308 S 1600 E WENDELL, ID 83355 (208) 536-5414
Original Owner	KATHERINE L BRANCHFLOWER
Original Owner	MICHAEL G BRANCHFLOWER PO BOX 575 HAGERMAN, ID 83332-0575 (208)543-2322

Priority Date: 04/01/1944

Basis: Decreed

Status: Active

Source	Tributary
WASTE WATER	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/15	11/15	1.25 CFS	
Total Diversion			1.25 CFS	

Location of Point(s) of Diversion:

WASTE WATER	NWSESE	Sec. 04	Township 08S	Range 14E	GOODING County
-------------	--------	---------	--------------	-----------	----------------

TRANSFER 75870

IRRIGATION Use:

Acre Limit: 116

Place(s) of use:

Place of Use Legal Description: IRRIGATION GOODING County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
08S	14E	3		NWSW	33		SWSW	39		SESW	2			
		4		NESE	33		SWSE	2		SESE	37			
		9		NENE	32		NWNE	40		SWNE	40		SENE	40

Total Acres: 298

Conditions of Approval:

1.		USE OF THIS RIGHT WITH RIGHT NO. 36-10916 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.25 CFS. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.81 CFS. COMBINED RIGHT NOS.: 36-07377, 36-07547, AND 36-10916.
2.		USE OF THIS RIGHT WITH RIGHT NO. 36-10916 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 125 ACRES IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 298 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-07377, 36-07547, AND 36-10916. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 116 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3.	C18	THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
4.	G17	THIS RIGHT IS SUBJECT TO ADMINISTRATION AS PART OF THE NATURAL SOURCE TO WHICH THE WASTE IS TRIBUTARY.
5.	G16	THIS RIGHT REMAINS SUBJECT TO THE RIGHT OF THE ORIGINAL APPROPRIATOR, IN GOOD FAITH AND IN COMPLIANCE WITH STATE LAWS GOVERNING CHANGES IN USE AND/OR EXPANSION OF WATER RIGHTS, TO CEASE WASTING WATER, TO CHANGE THE PLACE OR MANNER OF WASTING IT, OR TO RECAPTURE IT.
6.		RIGHT NO. 36-10916 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE. RIGHT NO. 36-10916 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Dates:

Licensed Date:

Decreed Date: 08/27/2001

Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:

State or Federal: S
Owner Name Connector:
Water District Number: 130
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit: 298
Combined Volume Limit:
Combined Rate Limit: 5.81
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

[Close](#)

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/18/2009

WATER RIGHT NO. 36-2297

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SOUTHFIELD PROPERTIES LLC 3308 S 1600 E WENDELL, ID 83355 (208) 536-5414
Directors Report Owner	DENNIS LEHMANN RT 1 WENDELL, ID 83355 (208)536-2719

Priority Date: 03/23/1956

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	1.82 CFS	364 AFA
Total Diversion			1.82 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENE	Sec. 09	Township 08S	Range 14E	GOODING County
--------------	------	---------	--------------	-----------	----------------

IRRIGATION Use:

TRANSFER 75870

Acre Limit: 91

Place(s) of use:

Place of Use Legal Description: IRRIGATION GOODING County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
08S	14E	9		NENE	28.1		NWNE	32.9		SWNE	40		SENE	40

Total Acres: 141

Conditions of Approval:

1.		Prior to diversion of water under this approval, the right holder shall install measuring devices acceptable to the Department and shall measure and annually report to the Department the amount (cfs and AF) of water diverted under this transfer. Reporting through a measuring district or a groundwater district will suffice although the Director may require more frequent measuring and reporting.
2.	R64	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3.	X27	Right 36-2297 is limited to the irrigation of 91.0 acres within the place of use described above in a single irrigation season.
4.	065	The right holder shall use the full allotment of appurtenant shares of surface water provided by the North Side Canal Co. Ltd. in conjunction with groundwater diverted under Right 36-02297 and shall only divert groundwater under 36-02297 when water from the appurtenant surface water rights cannot be delivered to the right holder.
5.	104	If the surface water right(s) appurtenant to the place of use is sold, transferred or used on any other place of use, Right 36-02297 to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
6.	T07	The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval unless extended for cause by the Director.
7.	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.
8.	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.
9.	S17	USE OF THIS RIGHT IS COMBINED WITH WATER FROM NORTH SIDE CANAL CO. LTD.

Dates:

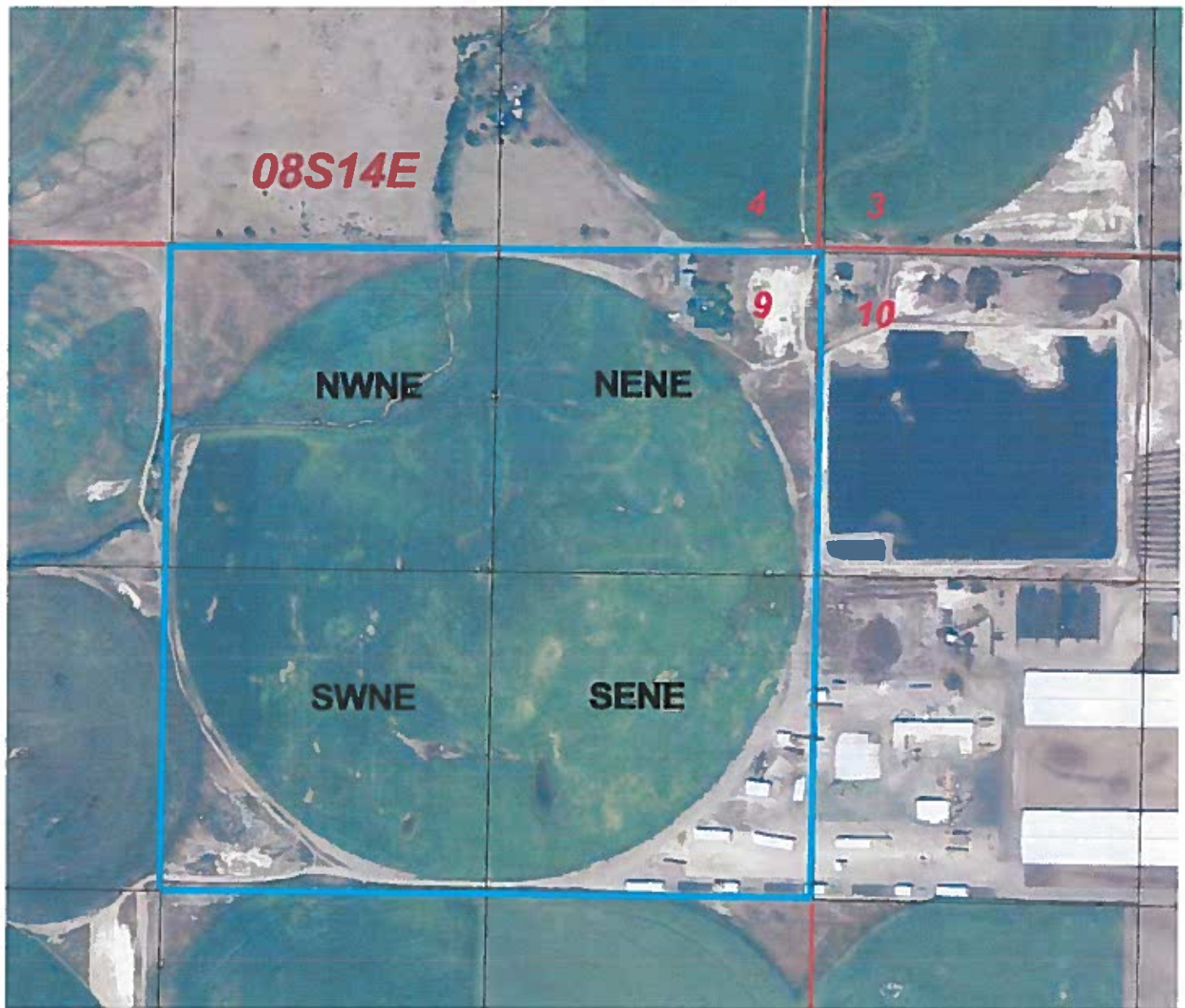
Licensed Date:

Decreed Date: 12/29/1997
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal: S
Owner Name Connector:
Water District Number: 130
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

[Close](#)

**Southfield Properties, LLC
(Water Rights 36-2297, 7377F, 7547F)**



2004 NAIP Aerial Photo



- From_local_wrpou_export.shp
-  Water Right Place of Use
 -  PLSS Township Boundaries
 -  PLSS Section Lines
 -  40's



8717 West 110th Street
Suite 700
Overland Park, KS 66210-2101

RECEIVED
NOV 13 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

MetLife®

Mr. Jim Stanton
Idaho Department of Water Resources
Southern Regional Office
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Barry L. Bogseth
Regional Director
Central Regional Office
Agricultural Investments

(913) 338-0629
(913) 231-9666 CELL
(913) 661-2254 FAX
bbogseth@metlife.com

Re Southfield Dairy – Application for Transfer of Water Rights

Dear Mr. Stanton

MetLife has been asked to consent to the following Applications for Transfer of Water Rights:

Application #Unknown, Gooding County, covering Water Right No. 36-2297 (change permissible place of use)

To the extent that we have not previously communicated consent to you, please accept this letter as consent by Metropolitan Life Insurance Company to the changes requested as outlined above. Feel free to contact me if you have any questions.

Sincerely

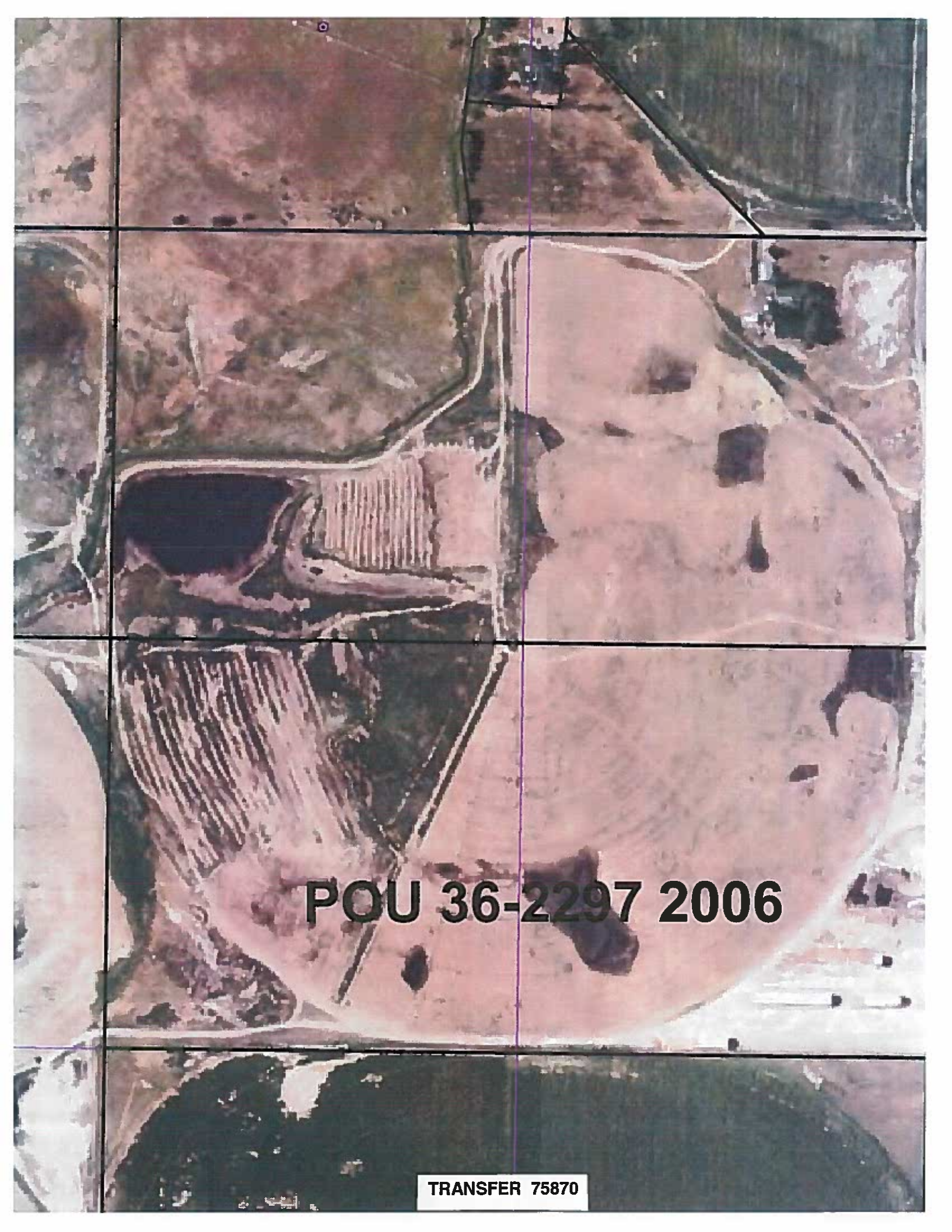


Barry L. Bogseth
Regional Director

November 9, 2009

Copies to: Clear Creek
Chad Brown
Southfield Dairy

TRANSFER 75870

An aerial photograph of a landscape. A large, light-colored, irregularly shaped area, possibly a body of water or a large field, occupies the right side of the image. To its left, there is a dark, rectangular area that looks like a pond or a small lake. Further left, there is a field with distinct, parallel, light-colored lines, possibly a plowed field or a field with rows of crops. A road or path runs vertically through the center of the image, separating the light-colored area from the field. The overall color palette is dominated by light browns, tans, and greys, with some darker patches of green or black.

POU 36-2297 2006

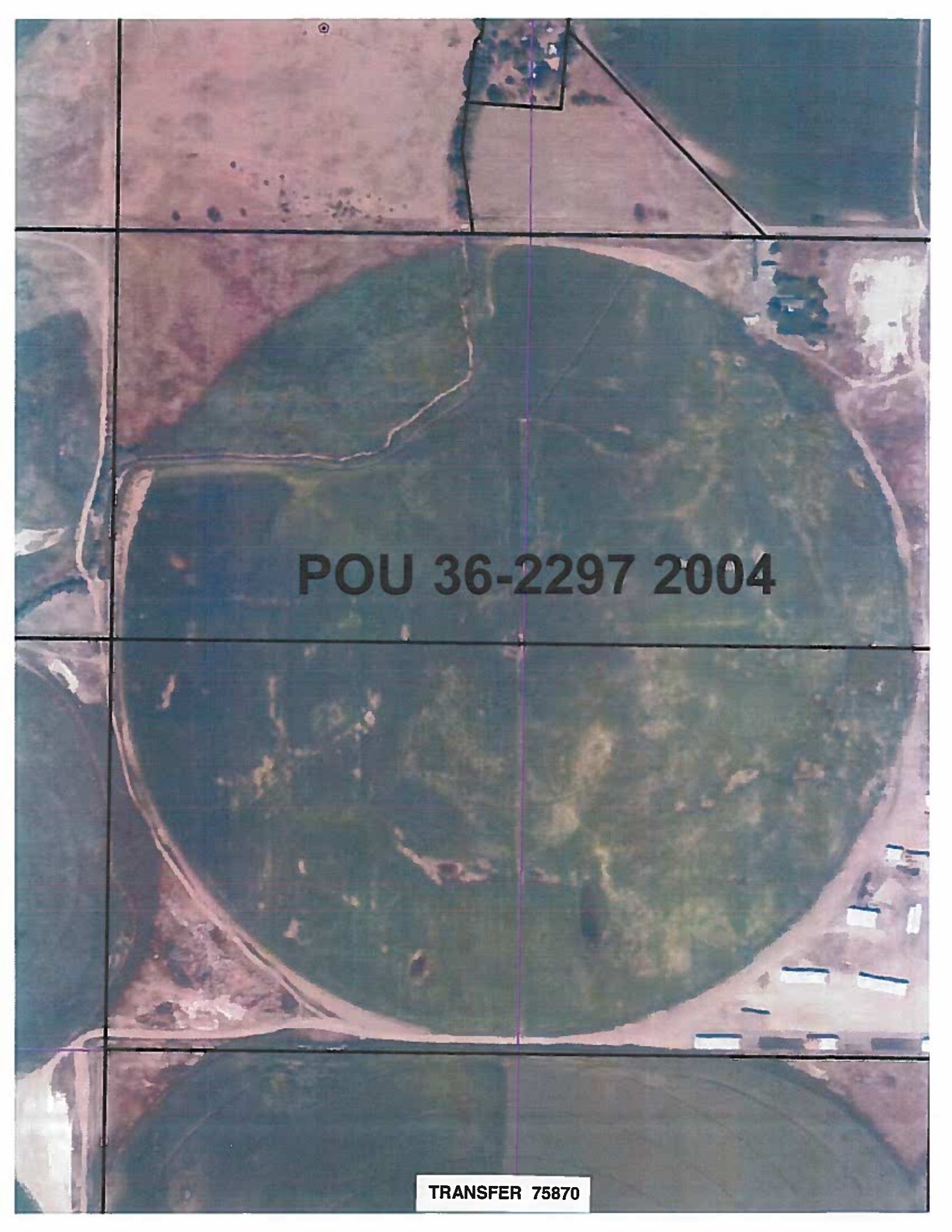
TRANSFER 75870

An aerial photograph showing a coastal region. In the foreground, there are large, rectangular agricultural fields with distinct rows of crops. To the left, a body of water is visible. In the upper right, there are some buildings and a road. A small, dark, irregular shape is visible in the lower right field.

POU

POU 36-2297 2009

TRANSFER 75870

An aerial photograph showing a large, irregularly shaped green field, possibly a park or undeveloped land. A road or path runs along the left and bottom edges of the field. In the bottom right corner, there are several small, white, rectangular buildings or structures. The image is overlaid with a grid of black lines. The text "POU 36-2297 2004" is centered in the middle of the image.

POU 36-2297 2004

TRANSFER 75870



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 26, 2016

NATHAN ERICKSON
WATER DISTRICT #130
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

Via hand delivery

RE: Application For Permit No. 36-17055

RE: Transfer No. 78300
Water Right No(s). 37-2549, 37-2550, 37-2761B, 37-7370, 37-7572, 37-7634,
37-8326, 37-8732

Dear Nathan:

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

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

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

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 25, 2016

SOUTHFIELD PROPERTIES LLC
3308 S 1600 E
WENDELL, ID 83355

RE: Transfer No. 78300
Water Right No(s). 37-2549, 37-2550, 37-2761B, 37-7370, 37-7572, 37-7634,
37-8326, 37-8732

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 **TIMES NEWS on 3/3/2016 and 3/10/2016**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**March 21, 2016**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

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

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant

cc:

TSK ENTERPRISES LLC
C/O JASON HELMS
5755 N ALBERT LANE
IDAHO FALLS, ID 83401

Maline, Denise

From: Maline, Denise
Sent: Thursday, February 25, 2016 1:56 PM
To: Times News
Subject: LEGAL NOTICES
Attachments: Times News Cover Letter.docx; Times News Ad.docx; SWC SWID Mit Plan Ad SWC call 2016.docx

Attached please find (2) legal notices being submitted for publication on March 3rd & 10th, 2016. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 25, 2016

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Notice of Mitigation Plan Submitted by Southwest and Goose Creek Irrigation Districts in Response to the Surface Water Coalition Water Delivery Call

RE: Application For Permit No.(s): 36-17055

RE: Transfer No. 78300
Water Right No(s): 37-2549, 37-2550, 37-2761B, 37-7370, 37-7572, 37-7634, 37-8326, 37-8732

RE: Transfer No. 80416
Water Right No(s): 47-12300, 47-17286, 47-17288, 47-17290, 47-2496B

RE: Transfer No. 80638
Water Right No(s): 43-10019, 43-10045, 43-10046, 43-10787, 43-10795, 43-12923, 43-12933, 43-13301, 43-13303, 43-13305, 43-13405, 43-13448, 43-13450, 43-13452, 43-13454, 43-13456, 43-13458, 43-13460, 43-13462, 43-13490, 43-13492, 43-13494, 43-13496, 43-13498, 43-13500, 43-13502, 43-13504, 43-13506, 43-13508, 43-13510, 43-2317C, 43-2317E, 43-2321B, 43-2339C, 43-2339E, 43-2423C, 43-2423E, 43-2467C, 43-2467E, 43-2510C, 43-2510E, 43-2574B, 43-2574E, 43-2576B, 43-2576E, 43-4002C, 43-4002E, 43-4012B, 43-4012C, 43-4012D, 43-4013B, 43-4014A, 43-4014B, 43-4015B, 43-4060D, 43-4063D

RE: Transfer No. 80686
Water Right No(s): 45-12438, 45-12443, 45-12448, 45-12449, 45-12455, 45-12457, 45-12749, 45-12750, 45-132, 45-133, 45-2040, 45-2059, 45-2060, 45-2062, 45-2063, 45-93, 45-94

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 March 21, 2016. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-17055

DAN LAFFERTY

PO BOX 16

WENDELL, ID 83355

Point of Diversion SENW S1 T08S R13E GOODING County Source GROUND WATER Tributary

Point of Diversion L3(SENW) S1 T08S R13E GOODING County Source GROUND WATER Tributary

Point of Diversion L3(NENW) S1 T08S R13E GOODING County Source GROUND WATER Tributary

Use: IRRIGATION 02/15 to 11/30 0.13 CFS

Total Diversion: 0.13 CFS

Date Filed: 2/3/2016

Place Of Use: IRRIGATION

T08S R13E S1 L3(NENW) L3(SENW)

Total Acres: 19

Application for permit to divert 0.13 cfs from a new well located approximately 3.7 miles south and 0.9 mile east of Hagerman to irrigate 7 acres within a 19 acre permissible place of use in the same immediate area. The application proposes mitigating the irrigation use by the non-use of a 7 acre portion of irrigation right 2-7018, which is currently appurtenant to ground located approximately 12.3 miles south and 2.5 miles west of the intersection of State Highways 67 and 51 in Mountain Home. The application proposes a single well to be drilled within one of the three tracts listed on the application.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 78300

SOUTHFIELD PROPERTIES LLC, 3308 S 1600 E, WENDELL, ID 83355; has filed Application No. 78300 for changes to the following water rights within GOODING County(s): Right No(s). 37-2549, 37-2550, 37-2761B, 37-7370, 37-7572, 37-7634, 37-8326, 37-8732. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to move a 0.86 cfs (42.9 acre) portion of two ground water rights from a farm located approximately 3.8 to 3.7 miles west and 1.0 to 2.5 miles south of the center of the City of Gooding, (Main and 7th Ave) to a farm located approximately 6.0 to 7.0 miles west and 1.0 to 2.8 miles south of the City of Gooding. The five existing water rights on the farm and the additional 42.9 acres will allow for the irrigation of 629.9 acres within a 686 proposed permissible place of use.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 80416

IDAHO DAIRY HOLDINGS LLC, PO BOX 609, TURNER, ME 04282; has filed Application No. 80416 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-12300, 47-17286, 47-17288, 47-17290, 47-2496B. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to add two existing ground water points of diversion to five water rights used at a dairy located approximately 7.5 to 8.0 miles south and 1.6 to 2.0 miles east of the city of Hansen. The five water rights will allow for the diversion of 0.66 cfs and 127.6 af from a total of four existing wells at the dairy. In addition the application proposes to change the nature of use for domestic and irrigation of one acre, 0.04 cfs, to stockwater and commercial uses.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 80638

EAST VALLEY CATTLE LLC, 471 N 300 W, JEROME, ID 83338; has filed Application No. 80638 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10019, 43-10045, 43-10046, 43-10787, 43-10795, 43-12923, 43-12933, 43-13301, 43-13303, 43-13305, 43-13405, 43-13448, 43-13450, 43-13452, 43-13454, 43-13456, 43-13458, 43-13460, 43-13462, 43-13490, 43-13492, 43-13494, 43-13496, 43-13498, 43-13500, 43-13502, 43-13504, 43-13506, 43-13508, 43-13510, 43-2317C, 43-2317E, 43-2321B, 43-2339C, 43-2339E, 43-2423C, 43-2423E, 43-2467C, 43-2467E, 43-2510C, 43-2510E, 43-2574B, 43-2574E, 43-2576B, 43-2576E, 43-4002C, 43-4002E, 43-4012B, 43-4012C, 43-4012D, 43-4013B, 43-4014A, 43-4014B, 43-4015B, 43-4060D, 43-4063D. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes the creation of a 9204.0 acre irrigation Permissible Place of Use (PPU) for fifty-four ground water rights and two surface water rights (Raft River) which currently irrigate 7363.0 acres on ground located approximately 7.0 to 14.3 miles north and 2.5 to 8.4 miles east of Malta. The rights are currently irrigating ground on three separate farms and this transfer will consolidate the rights into a single PPU in the same general area. One group of 38 rights irrigates 4631.0 acres with a 70.01 cfs flow rate, another group of 13 rights irrigates 2210.0 acres with a 39.03 cfs flow rate, and the final group of 5 rights irrigates 522.0 acres with a flow rate of 5.7 cfs.

After the transfer, 7363.0 acres will be irrigated within the proposed 9204.0 acre PPU. Currently, the rights in the three separate farms have distinct Points of Diversion (POD) for each farm. This transfer will add the ground water PODs from each farm to the other two farms so that each ground water right will have 32 PODs.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80686**

OAKLEY CANAL CO, PO BOX 207, OAKLEY, ID 83346; has filed Application No. 80686 for changes to the following water rights within CASSIA County(s): Right No(s). 45-12438, 45-12443, 45-12448, 45-12449, 45-12455, 45-12457, 45-12749, 45-12750, 45-132, 45-133, 45-2040, 45-2059, 45-2060, 45-2062, 45-2063, 45-93, 45-94. The purpose of the transfer is to change a portion of the above rights as follows: Application filed to change the Oakley Canal Company's authorized service area boundary for 17 different water rights that allow for the total diversion of 1,520.992 cfs and storage of up 74,350 acre-feet in Goose Creek (Oakley) Reservoir. The proposed change consists of combining the company's currently authorized service area with lands located within the Southwest Irrigation District boundary creating a new authorized service area approximately 157,000 acres in size within Cassia and Twin Falls Counties. Published in the Times News, Idaho Statesman, Post Register & Lewiston Tribune.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx . For additional information on new permits, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before March 21, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on March 3rd & 10th, 2016

MEMORANDUM

Date: February 18, 2016
To: Transfer 78300 File
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

Application proposes to move a 0.86 cfs (42.9 acre) portion of two ground water rights from a farm located approximately 3.8 to 3.7 miles west and 1.0 to 2.5 miles south of the center of the City of Gooding, (Main and 7th Ave) to a farm located approximately 6.0 to 7.0 miles west and 1.0 to 2.8 miles south of the City of Gooding. The five existing water rights on the farm and the additional 42.9 acres will allow for the irrigation of 629.9 acres within a 686 proposed permissible place of use. The application proposes to dry up 57 acres, and 228 af from the original place of use to allow for the irrigation of 42.9 acres, and 171.6 af at the new place of use. The reduction of 14.1 acres and 56.4 af is to mitigate any impacts to the reaches of the Snake River per the model analysis submitted with the application. Note that the information submitted with the application indicates that the two water rights (37-2761B & 37-8326) being transferred are partially supplemental. The two rights allow for the combined irrigation of 602 acres. Information submitted with the application indicates that there are 53.99 shares of Big Wood Canal Company water and 105 shares of American Falls water associated with the farm. Clearly there is a large portion of the 602 acre farm where groundwater is the primary source of water. Since the transfer proposes transferring 57 acres from this farm, the application was processed based on the concept that the 57 acres could be considered primary acres. The place of use and points of diversion are located within Water District 130 so watermaster comments will be requested. This transfer was filed as result of a Notice of Violation in 2009.

- **Authority to File:**

The applicant is listed as the current owner of the rights involved in the transfer according to IDWR records. A copy of a deed was included with the application showing that the applicants own the land involved with the transfer. According to the Secretary of State web site Arie Roeloffs (Member) is authorized to sign on behalf of Southfield Properties, LLC. A letter of consent from MetLife has also been included with the application. Agreements from adjacent land owners to allow the irrigation of their property under these water rights are included with the transfer.

- **Water Right Validity:**

The rights involved with the transfer were decreed in the SRBA in 2002 or licensed in 1995. Aerial photography indicates the use of the rights in recent years. Therefore forfeiture of the rights involved with the transfer does not appear to be an issue.

- **Injury to Other Water Rights:**
None anticipated. The application proposes to mitigate for possible impacts by reducing the transferred volume.
- **Enlargement of Use:**
None anticipated. There is a reduction in the authorized irrigated acres from the original use.
- **Local Public Interest:**
No negative impact anticipated. Application will be subject to public notice advertising.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on Economy of the Local Area:**
None anticipated.
- **Effect of the Agricultural Base of the Local Area:**
None anticipated.

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.

MEMORANDUM

TO: Transfer # 78300 File

FROM: Benny Walker

DATE: February 18, 2016

SUBJECT: Filing Fee

The filing fee of, \$690.00, for this transfer is based on the amount of water proposed to be transferred or changed, 11.66 cfs. The transfer fee schedule (prior to 2011) for a transfer involving 11.01-12.00 cfs indicates that the filing fee is \$690.00. The applicant's representative submitted a fee of \$500.00 for this transfer in 2009 (Receipt S031054). The additional fee of \$190.00 was submitted by the applicant's representative (Receipt S034946) for a total of \$690.00.

Walker, Benny

From: Jason Helms [jasoncivil@alumni.nd.edu]
Sent: Wednesday, October 07, 2015 12:53 PM
To: Walker, Benny
Cc: gary funderburg
Subject: Southfield corrections
Attachments: attachment_5a.pdf; Transfer1-Southfield_Corrected_2015-10-05_p3.pdf; southfield_irrigation_shapefile_2015.zip

Categories: Red Category

Hi Benny,
Related to Southfield application for transfer 75870 please find attached page 3 with an updated PPU map and shapefile for the irrigation.
Let me know if you need anything else.
Thanks,
Jason C. Helms, P.E.
JCH Engineering & Consulting, PLLC
(208) 308-2109

TSK ENTERPRISES LLC
255 BLUE LAKES BLVD NTH
PMB 617
TWIN FALLS, IDAHO 83301
CELL-208 320-0897

RECEIVED
OCT 06 2015
DEPT OF WATER RESOURCES
SOUTHERN REGION

September 21, 2015

Connie Whitworth
41 Barton Road
Carey, Idaho 83320

Ms Whitworth,

I hope this letter finds you well. I have been requested to send to you a water use agreement asking for your permission to allow Southfield Properties LLC to continue irrigating seven acres of your property which overlaps from the pivot with their current water rights.

To share some background with you, Southfield Properties is in the process of reconstructing their water rights. Through this process, Idaho Department of Water Resources discovered they were irrigating a small portion of your property due to Tax Lot information available to them from the County.

Enclosed you will find an aerial photo outlining **your property in blue** in the NW quarter of section seven. The Areas outlined in **orange/red** belong to **Southfield Properties LLC**.

Note: Signing the Water Use agreement will not affect your property in any way. It only permits Southfield Property to continue watering in this area.

Please sign the enclosed form and return it back to me as soon as you can. Additionally, if you have any questions, please do not hesitate to contact me via the cell phone number in the heading.

Warmest Regards,

TSK ENTERPRISES LLC
Gary Funderburg

Walker, Benny

From: Walker, Benny
Sent: Wednesday, September 09, 2015 2:32 PM
To: 'Jason Helms'
Subject: RE: Southfield map

Hey Jason,

Did you have a good holiday weekend ? I just wanted to follow up with you for the map of the 629.9 acres of irrigation within the PPU. I have received the additional fee from Gary and I sent him the information for the water use agreement for Connie Whitworth. So as soon as I get this all together I can continue processing the transfer.

Thanks,
Benny

From: Jason Helms [<mailto:jasoncivil@alumni.nd.edu>]
Sent: Tuesday, July 21, 2015 12:41 PM
To: Walker, Benny
Subject: Re: Southfield map

Hi Benny,

Please find attached a corrected page for the Southfield transfer showing several changes:

- 1) The diversion amount under 37-8326 has been reduced to 0.02 cfs per acre
- 2) Total PPU area has been reduced to lands owned by Southfield although we are still pursuing an agreement with Connie Whitworth in the W1/2NE1/4 of Section 7 and I will forward that when I have it.
- 3) Total irrigation will be limited to 629.9 acres to correspond with the ESPA analysis you have on file.

I understand we still need to provide an additional \$190 and the water use agreement with Connie Whitworth for the 6 acre overlap onto her land as well as a map of the 629.9 acres of irrigation within the PPU.

Let me know if there is anything else I am missing.

Thanks,
Jason

On Thu, Jun 25, 2015 at 10:39 AM, Walker, Benny <Benny.Walker@idwr.idaho.gov> wrote:

Jason,

Attached is a map of Southfield Properties and adjacent property owners according to the Tax Lot information available to the department.

The lands outlined in orange/red belong to Southfield. The lands outlined in blue in the NW quarter of section 7 belong to Connie Whitworth.

The lands outlined in yellow in section 7 & 18 belong to Patrick Richards. The lands outlined in green in the SW of section 18 belong to Northview Farms LTD Partnership.

If I can be of any further assistance please let me know.

Thanks,

Benny Walker

IDWR Agent

**T
S ENTERPRISES LLC**

K 255 Blue Lakes Blvd Nth, PMB 617
Twin Falls, Idaho 83301
Cell 208 320-0897

RECEIVED

AUG 05 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

August 3, 2015

Idaho Dept. of Water Res.
650 Addison Ave West.
Suite 500
Twin Falls, Idaho 83301

Att: Benny Walker

Re: Southfield Properties LLC
Enc. Additional filing Fees. \$190.--

Please find enclose additional filing fee for transfers of Southfield Properties as you requested.

If you have any further question in this matter, please fill free to contact me at the above address or Jasson Helms at Phone #208-308-2109.

Thank You
Gary L. Funderburg

Walker, Benny

From: Jason Helms [jasoncivil@alumni.nd.edu]
Sent: Tuesday, July 21, 2015 12:41 PM
To: Walker, Benny
Subject: Re: Southfield map
Attachments: Transfer1-Southfield_Corrected_2015-07-21_p3.pdf

Hi Benny,

Please find attached a corrected page for the Southfield transfer showing several changes:

- 1) The diversion amount under 37-8326 has been reduced to 0.02 cfs per acre
- 2) Total PPU area has been reduced to lands owned by Southfield although we are still pursuing an agreement with Connie Whitworth in the W1/2NE1/4 of Section 7 and I will forward that when I have it.
- 3) Total irrigation will be limited to 629.9 acres to correspond with the ESPA analysis you have on file.

I understand we still need to provide an additional \$190 and the water use agreement with Connie Whitworth for the 6 acre overlap onto her land as well as a map of the 629.9 acres of irrigation within the PPU.

Let me know if there is anything else I am missing.

Thanks,
Jason

On Thu, Jun 25, 2015 at 10:39 AM, Walker, Benny <Benny.Walker@idwr.idaho.gov> wrote:

Jason,

Attached is a map of Southfield Properties and adjacent property owners according to the Tax Lot information available to the department.

The lands outlined in orange/red belong to Southfield. The lands outlined in blue in the NW quarter of section 7 belong to Connie Whitworth.

The lands outlined in yellow in section 7 & 18 belong to Patrick Richards. The lands outlined in green in the SW of section 18 belong to Northview Farms LTD Partnership.

If I can be of any further assistance please let me know.

Thanks,

Benny Walker

IDWR Agent

Walker, Benny

From: Jason Helms [jasoncivil@alumni.nd.edu]
Sent: Friday, July 03, 2015 1:40 PM
To: Walker, Benny
Subject: Re: Southfield map

Hi Benny,
Can you tell me which property owner agreement you have on file?
Thanks,
Jason

On Thu, Jun 25, 2015 at 10:39 AM, Walker, Benny <Benny.Walker@idwr.idaho.gov> wrote:

Jason,

Attached is a map of Southfield Properties and adjacent property owners according to the Tax Lot information available to the department.

The lands outlined in orange/red belong to Southfield. The lands outlined in blue in the NW quarter of section 7 belong to Connie Whitworth.

The lands outlined in yellow in section 7 & 18 belong to Patrick Richards. The lands outlined in green in the SW of section 18 belong to Northview Farms LTD Partnership.

If I can be of any further assistance please let me know.

Thanks,

Benny Walker

IDWR Agent

Walker, Benny

From: Jason Helms [jasoncivil@alumni.nd.edu]
Sent: Monday, June 22, 2015 2:33 PM
To: Walker, Benny
Subject: Fwd: Southfield Water Use agreement (Draft)

Hi Benny,

I received your letter dated May 28, 2015 related to transfer 78300 or 75870. Wow, this really fell through the cracks. I have included below what appears to be the last e-mail correspondence related to that transfer that I had. At this point I don't know what exactly you are looking at and I don't see any scan of the pending transfer in the water right backfiles. I don't know what fields are not included in the ownership and which 1 acre is appropriate to remove to make everything square up (offhand I suspect a rounding error). The last ESPA analysis I submitted in 2011 should still be valid for the current transfer. This much time passing from the submittal makes it very difficult to recall.

Give me a call.

Thanks

Jason C. Helms, P.E.

(208) 308-2109

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

From: Jason Helms <jasoncivil@alumni.nd.edu>
Date: Mon, Aug 8, 2011 at 11:09 AM
Subject: Re: Southfield Water Use agreement (Draft)
To: gary funderburg <denisekayf@cableone.net>

That is correct. The second transfer for the airport PPU is not necessary unless they want the PPU.

On Mon, Aug 8, 2011 at 10:16 AM, gary funderburg <denisekayf@cableone.net> wrote:

Jason,

Am I correct the transfer prepare for Southfiel Properties LLC that listed 37-2761B and 37-8326 are not to be filed with IDWR, and that we do not need it after all??

Gary

----- Original Message -----

From: Jason Helms
To: gary funderburg
Sent: Wednesday, July 27, 2011 2:03 AM
Subject: Re: Southfield Water Use agreement (Draft)

Gary,

My understanding is that he wants to place in the transfer file an irrigation plan showing the total number of acres that Southfield will irrigate in the event of possible curtailments. This will help to avoid another notice of violation and make sure Southfield is painfully aware of their limits.

I can make stuff up, but honestly it would be guesswork and probably exactly wrong from which fields they would actually stop irrigating.

Southfield really needs to make an irrigation plan that does not exceed the acreage limits shown on the **attached map** (showing field acreages) based on priority curtailments.

For example:

If nothing is curtailed, they can irrigate no more than 629.9 acres - they may want to place 8 acres of the most junior right into the water bank since the total for all fields shown is about 622 acres.

If curtailments include their 1991 (1994 expansion) right then they need to have an irrigation plan that does not exceed 618.9 acres (authorized after this transfer).

If curtailments include their 1988 rights then they need to have an irrigation plan that does not exceed 612.9 acres (authorized after this transfer).

If curtailments include their 1977 rights then they need to have an irrigation plan that does not exceed 441.9 acres (authorized after this transfer).

If curtailments include their 1974 rights then they need to have an irrigation plan that does not exceed 278.9 acres (authorized after this transfer).

If curtailments include their 1967 rights then they need to have an irrigation plan that does not exceed 242 acres (authorized with or without this transfer).

Give me a call if you have any questions. I can call Benny and verify that submittal of that information (essentially a statement of voluntary compliance) will meet his needs.

Thanks,
Jason

On Tue, Jul 26, 2011 at 9:31 AM, gary funderburg <denisekayf@cablone.net> wrote:

Jason,

Did you send Benny a copy of the aerial photo of the ground for by 40 ac.tracts.of the ground showing where the water is being transfered. He indicated we were showing more ground in the ppu than what is acrually being Irrigated. You may need to call and besure I am understanding his request.

I am waiting to send a final bill to Southfieds after Benny has received all the material he is needing. Once He clears that hoop I will send a final billing to them with your billing and mine.

Gary

----- Original Message -----

From: Jason C. Helms, P.E.

To: 'gary funderburg'

Cc: Benny Walker

Sent: Thursday, July 14, 2011 4:25 PM

Subject: RE: Southfield Water Use agreement (Draft)

Gary,

I haven't, but I sent an e-mail to him requesting clarification.

I think he just wants a statement that Southfield is drying up 57 acres but only intends to irrigate 42.9 additional acres at most. Maybe Southfield can do this with a simple notarized statement agreeing to that reduction?

Jason

-----Original Message-----

From: gary funderburg [mailto:denisekayf@cablone.net]

Sent: Thursday, July 14, 2011 2:25 PM

To: Jason C. Helms, P.E.

Subject: Re: Southfield Water Use agreement (Draft)

Jason,

Have you submitted the new drafr Benny was requesting?? He said this Morning he was waiting for it from you.

Gary

-----cut



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 28, 2015

Southfield Properties LLC
3308 S 1600 E
Wendell, ID 83355

RE: Application for Transfer 78300 (Renumbered from 75870)

Dear Mr. Roeloffs;

A review of pending transfers revealed that you have a transfer pending with our office, that proposes to move 57 acres from the Airport Ranch property in Gooding to a farm located approximately 2.5 miles west of the Airport Ranch property. The original transfer 75870 (Renumbered to 78300) has gone through a number of revisions. The latest revision on file with the department has some unresolved issues that need to be addressed before we can move forward with processing of the application.

The transfer application proposes a change in the place of use of the water rights. It appears the application proposes to create a permissible place of use of approximately 733.5 acres, with 644 acres of irrigation.

- The map provided with the application does not match the acres listed on the application. The application list 733.5 acres and the map shows 734.5 acres.
- The deed that was provided with the application to show ownership of the proposed place of use does not match the acres as listed on the application and the map that was submitted.
- Examination of tax lot data available to the department indicates that some of the property involved with the proposed place of use may be owned by parties other than the applicant. If the application for transfer proposes to change the place of use authorized under the water right(s), and the applicant does not own the land of the proposed new place of use, then the applicant must provide documentation that authorizes the change on behalf of the current owner of the new place of use.
- In addition a 206 map of the proposed 644 irrigated acres within the proposed permissible place of use was not included.
- If an application for transfer proposes to move the point of diversion for a groundwater right from one location to another within the ESPA, the applicant must submit a model analysis of calculated depletions to reaches of the Snake River that are hydraulically-connected to the ESPA, or other equivalent analysis acceptable to the department. There was no such analysis included with the latest application revision. The previous submitted analysis indicated that only 42.9 acres would be available for transfer of the proposed 57 acres. Note this contradicts the latest application which proposes all 57 acres to be transferred for a total of 644 acres.

- The proposed total flow rate indicated on the application appears to be incorrect. The flow rate proposed from the split of water right 37-8326 of 0.21 cfs is more than the allowable inch (0.02 cfs) to the acre.
- A review of the amount paid for the application indicates that the filing fee that was originally paid was insufficient. The filing fee associated with this transfer as currently filed was \$690.00 back when the application was originally submitted. When the application was originally filed, a fee of \$500.00 was submitted from TSK Enterprises. Therefore an additional fee in the amount of \$190.00 is necessary.

Note that the above mentioned items may change depending upon the resolution of these issues. For example, If the model analysis shows that only 42.9 acres would be available to be transferred, that would change the total acres to be irrigated and the permissible place of use. Also ownership issues can change the irrigated acres and the permissible place of use.

If you have any questions, or need any further assistance, feel free to contact this office at your convenience.

Sincerely,



Benny Walker
Water Resource Agent

cc: Gary Funderburg – TSK Enterprises
Jason Helms – JCH Engineering & Consulting

Walker, Benny

From: Jason Helms [jasoncivil@alumni.nd.edu]
Sent: Tuesday, May 10, 2011 6:27 AM
To: Walker, Benny
Cc: denisekayf@cablone.net
Subject: Southfield Dairy Transfer Request For Extension of Time
Attachments: Ltr-IDWR_Southfield_Extension_05112011.pdf

Hi Benny,

Please find attached a copy of the letter requesting an extension of time while we get the ground water use figured out on the airport ranch property.

Hard copy to follow by mail. Hope this gets our foot in if the mail truck is slow ;)

Thanks,

Jason C. Helms, P.E.
(208) 308-2109
jasoncivil@alumni.nd.edu

May 10, 2011

RECEIVED
MAY 11 2011
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Mr. Benny Walker
Idaho Department Of Water Resources
Southern Regional Office
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RE: Southfield Properties Transfer Application # 75870
Request For Extension of Time

Dear Benny:

I have been contacted by Gary Funderburg to provide additional support for Transfer application #75870 pending with IDWR. I am familiar with the application, and believe the transfer can be amended according to my previous ESPA analysis to demonstrate an approvable transfer application. Toward that end, some additional time is required to gather the appropriate information associated with the surface water use on the Airport Ranch property.

If you can provide as much additional time as reasonable, I expect we can gather the necessary information and have amended applications with all the necessary information ready for submittal in early June.

Thanks for your patience in this matter, and if you have any questions please contact me at your convenience.

Sincerely,

Jason C. Helms, P.E.
(208) 308-2109.
jasoncivil@alumni.nd.edu

Cc: Gary Funderburg (T.S.K. Enterprises)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

April 11, 2011

Southfield Properties LLC
3308 S 1600 E
Wendell, ID 83355

RE: Application for Transfer 75870

Dear Mr. Roeloffs;

A recent review of water right applications in our office revealed that you have an unresolved pending transfer application, # 75870, filed with the Idaho Department of Water Resources (IDWR). The application was originally filed in August of 2009 and amended in July of 2010. The original application was lacking various items and was considered incomplete. A letter (copy enclosed) was mailed to you on February 11, 2010 indicating that the original application was incomplete and requesting that the necessary information be submitted so that the application could be processed. An additional letter (copy enclosed) was mailed to you on June 11, 2010 also indicating that the original application was incomplete and requesting that the necessary information be submitted so that the application could be processed. An amended transfer application was received on July 13, 2010. A review of the amended transfer application reveals issues and/or incomplete items that make it unacceptable for processing. As a result, we are returning the amended transfer application along with the originally filed transfer application. If a replacement application is not received within 30 days of the date of this letter the department will initiate a refund of the \$500.00 filing fee to TSK Enterprises (paid via TSK Enterprises check # 2170 per IDWR receipt S031054). The various issues and/or incomplete items that make the application unacceptable for processing are described as follows...

The original transfer application involved six water rights diverted from two wells located south west of Gooding and an additional right, 36-2297, that was being transferred from a farm west of Wendell. The amended transfer application only proposed transferring portions of two water rights, 37-2761B and 37-8326. Apparently the farm that these two rights are appurtenant to is known as "Airport Ranch", and is located a couple of miles east of the proposed place of use. Note that the amended transfer did not involve the six water rights listed on the original application even though the transfer proposes a different place of use than the place of use described on the six rights. An application for transfer must list all water rights for use in a common system of diversion and distribution for which the point of diversion, place of use, period of use, or nature of use are proposed to be changed (the water rights to be transferred). Rights 37-2761B and 37-8326 have conditions indicating that they may be supplemental in nature (groundwater combined with canal water).

Review of past pumping records submitted to Water District 130 indicates that less than 1.35 acre feet per acre has been pumped for irrigation of the place of use identified by rights 37-2761B and 37-8326. The amended transfer application appears to treat these two rights as primary water rights when it appears that they are actually supplemental water rights. An application for transfer proposing to change a supplemental irrigation right to a use as a primary water right for irrigation or other use will be presumed to enlarge the supplemental right.

The amended transfer appears to propose changing the recorded place of use of the leftover portions of water rights 37-2761B and 37-8326. Proposed changes which involve separate diversion and distribution systems must be filed as separate applications. A proposed change to the remaining portion of an existing water right subsequent to a proposed transfer requires a separate application for transfer.

The amended transfer application includes a map that shows the "Airport Ranch" property and the acres that are apparently proposed to be dried up. However, the part 2 sections of the application identify different lands to be dried up.

The amended transfer application does not include a map of the proposed points of diversion or the proposed place of use. Examination of the map that was submitted with the originally filed application indicates that it does not match the proposed place of use described on either application.

If a transfer application proposes a change in the place of use of water rights, the applicant must show that they own the new proposed place of use. Review of the amended application, and the originally filed application, indicates that there was no proof of ownership, such as a deed, included with either application. Examination of tax lot data available to the Department indicates that some of the irrigation on the property involved with the proposed place of use may be owned by parties other than the applicant. If the application for transfer proposes to change the place of use authorized under the water right(s), and the applicant does not own the land at the proposed new place of use, then the applicant must provide documentation that authorizes the change on behalf of the current owner of the proposed new place of use.

Examination of part 1 of the amended application indicates that the total flow rates indicated on the application appear to be incorrect.

The amended application indicates that the property involved with the application is subject to a lien, deed of trust, mortgage, contract, or other encumbrance. Note that if the property involved with a transfer application is subject to a lien, deed of trust, mortgage, contract, or other encumbrance, a notarized statement, or a statement on official letterhead, agreeing to the proposed change(s) signed by an authorized representative of the holder of each lien, deed of trust, mortgage, contract, or other encumbrance must be included with the application. Examination of the amended application and attachments indicates that this authorization was never submitted with the amended application. Without this authorization, IDWR cannot process the application.

As noted previously, we are returning the amended transfer application along with the originally filed transfer application. If a replacement application is not received within 30 days of the date of this letter, the department will initiate a refund of the \$500.00 filing fee to TSK Enterprises (paid via TSK Enterprises check # 2170 per IDWR receipt S031054). This results in no pending transfer application being filed with the Department. I have advised the Water District 130 water master that the application has been returned and that no transfer application is pending involving the land at the proposed place of use.

If you have any questions, or need any further assistance, feel free to contact this office at your convenience.

Sincerely,

A handwritten signature in cursive script that reads "Benny Walker".

Benny Walker
Water Resource Agent

Enclosures

cc: Gary Funderburg – TSK Enterprises – w/o Enclosures

**T
S ENTERPRISES**

K 255 Blue Lakes Blvd. N.
PMB 617
Twin Falls, Idaho 83301
208-324-6411
Cell 208-320-0897

RECEIVED

JUL 13 2010

DEPT. OF WATER RESOURCES
SOUTHERN REGION

July 12, 2010

COPY

Idaho Dept. of Water Resources
1341 Filmore St.
Suite 200
Twin Falls, Idaho 83301

Attention: Benny Walker
Water Res. Agent

Re: Amended Application for Transfer #75870

Dear Mr. Walker,

Enclosed is the Amended application for Southfield Dairy's.

If you have any questions, please feel free to contact me or Jason Helms with
Thompson Engineering. (208 745-8771)

Gary L. Funderburg
TSK ENTERPRISES LLC



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

June 11, 2010

Southfield Properties LLC
3308 S 1600 E
Wendell, ID 83355

RE: App For Transfer 75870

Dear Mr. Roeloffs;

As you recall, you filed an application for transfer to change the point of diversions and place of use for a number of water rights. A preliminary review of the application revealed a couple of items that need to be addressed before processing of the application can continue.

The proposed place of use legal description is incorrect and currently identifies the place of use as Twp 08S, Rge 14E, Sections 07 and 18 and the associated acres per quarter, quarter. According to the map provided of the proposed place of use the legal description should be Twp 06S, Rge 14E, Sections 07 and 18 and the associated acres per quarter, quarter.

In addition the map provided includes lands not currently owned by you according to the tax lot information available to the Department of Water Resources. A corrected map of the proposed place of use needs to be submitted or documentation showing ownership of the proposed place of use. If your intention is to irrigate land not owned by yourself you need to provide written permission from the land owners to include this property in the transfer, and information concerning who will retain ownership of the water rights on lands owned by someone else.

Jim Stanton sent you a letter February 11, 2010 requesting an ESPA analysis for the portion of water right 36-2297 being transferred to the proposed place of use. He also stated that he had contacted Jason Helms of Thompson Engineering regarding the ESPA analysis and any mitigation plan if required. This analysis, and possible mitigation plan, needs to be submitted in order to continue processing of the transfer. The Department has yet to receive this analysis and mitigation plan.

Page 2, App For Transfer 75870

It is my understanding that water rights 36-2297, 36-7377F, and 36-7547 have recently been accepted into the Water Supply Bank and may no longer be considered all or partially forfeited. They are available for transfer; however, as indicated in the preceding paragraph, you may require mitigation for the transfer.

Please submit this additional information within 30 days of the date of this letter or the Department will take action to reject the transfer application.

If you have any questions, or need any further assistance, feel free to contact this office at your convenience.

Sincerely,



Benny Walker
Water Resource Agent

Cc: Gary L Funderburg, TSK Enterprises LLC



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

March 23, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

SOUTHFIELD PROPERTIES LLC
3308 S 1600 E
WENDELL ID 83355

**RE: APPLICATION TO LEASE WATER RIGHT NO(S). 36-2297, 36-7377F, AND 36-7547F
TO THE WATER SUPPLY BANK**

Dear Lessor:

The Department of Water Resources ("Department") has completed its review of the Application to Sell or Lease Water Right(s) to the Water Supply Bank ("Bank"). The offered water right(s) is accepted into the Bank in accordance with the attached Water Supply Bank Lease Acceptance. If you do not agree with the conditions of the Lease Acceptance and would like to withdraw your water right from the Bank, you must contact the Department within thirty (30) days of receipt of this notification.

The right(s) will automatically be released from the bank on **December 31, 2015**, unless the right(s) are released earlier by the Board, or upon request by the lessor. To change the term of the lease or to release the right(s) from the Bank, the lessor must submit a request in writing to the Department prior to the release date.

Please review the conditions of acceptance listed on the Lease Acceptance and contact me if you have any questions at (208) 287-4943.

Sincerely,

Aaron Marshall
Sr. Water Resource Agent

Enclosure(s)

c: Allen Merritt – IDWR Southern Regional Office
Jim Stanton – IDWR Southern Regional Office

Marshall, Aaron

From: Stanton, Jim
Sent: Thursday, March 18, 2010 3:16 PM
To: Marshall, Aaron
Cc: Stanton, Jim
Subject: Southfield Water Rights & Forfeiture

Aaron – Here are the rights as decreed:	36-2297	1.82 cfs	91 ac/year	364 afa
	36-7377F	0.24 cfs	15.5 ac/year	62 afa
	36-7547F	<u>0.35 cfs</u>	<u>32 ac/year</u>	<u>128 afa</u>
		0.49 cfs	32 ac/year	128 afa
	Totals	2.31 cfs	123 ac/year	492 afa

Based on our discussion this pm, 6 acres would be removed from 36-7547F due to forfeiture, leaving the other 2 rights unaffected. 36-7547F should be reduced to 0.25 cfs to get rid of excess rate that never actually existed, 12.5 ac/year so flow rate does not need to be reduced (or 10.5 ac/year & reduce flow rate to 0.21 cfs), and 42 afa for 10.5 new acres under this right. That is my best guess, anyway, but Shelley may see it differently. Since the file is open, it seems reasonable to reduce the silly overlaps as much as possible. Back to you. Once I get the final numbers from you, I will get the extensions of time into advertising.

Stanton, Jim

From: Marshall, Aaron
Sent: Wednesday, March 17, 2010 12:08 PM
To: Stanton, Jim
Subject: RE: Water Bank Question

Yes, all of both rights were offered for lease.

From: Stanton, Jim
Sent: Wednesday, March 17, 2010 12:00 PM
To: Marshall, Aaron
Cc: Stanton, Jim
Subject: RE: Water Bank Question

Were both right covered in their entirety?

From: Marshall, Aaron
Sent: Wednesday, March 17, 2010 11:48 AM
To: Stanton, Jim
Subject: RE: Water Bank Question

Hi Jim,

On December 23, 2009, IDWR received applications to lease water rights 36-7377F and 36-7547F to the Water Supply Bank. The proposed lease period is through September 1, 2015. Let me know if you would like any additional information. I can scan the applications and send them to you if that would be useful.

Aaron

From: Stanton, Jim
Sent: Wednesday, March 17, 2010 11:18 AM
To: Marshall, Aaron
Cc: Stanton, Jim
Subject: Water Bank Question

Aaron – Have Rights 36-7547F & 36-7377F (Southfield Properties LLC) been submitted into the Water Bank? If so, please provide details. Thanks.

Stanton, Jim

From: Stanton, Jim
Sent: Wednesday, March 17, 2010 2:33 PM
To: Peppersack, Jeff
Cc: Stanton, Jim
Subject: Forfeiture Question

Jeff – As part of reviewing App For Transfer 75870, I determined that all of Right 36-7547F & most of Right 36-7377F had been forfeited for 5 or more consecutive years of non-use during the 2005 through 2009 irrigation seasons. In late December of last year, these 2 rights were offered to the WSB for the sole purpose of avoiding forfeiture. These rights and an early-priority gw right cover a pivot that has now been fully converted to a compost area, so there appears to be no intention of going back to irrigation in the foreseeable future; the applicant owns a dairy just east of the pivot. In March, we received 2 apps for extension of time to avoid forfeiture of these 2 rights. My question is, does applying to the WSB AFTER the 5 years ran out protect these rights from forfeiture?

Stanton, Jim

From: Skaggs, Pam
Sent: Friday, March 12, 2010 9:46 AM
To: Stanton, Jim
Cc: Merritt, Allen
Subject: RE: Extensions to Avoid Forfeiture & Transfer Application

Jim,

We would follow the same practice as Transfer Applications. This is explained in the Transfer Memo on Page 17 under 5.(5 & 6).

If we chose to reject/deny an application, we don't advertise it.

If the order is petitioned & a hearing requested, we advertise the application including notice that it is a contested case.

That way we may only have to advertise a few of the rejected/denied applications instead of all of them. We do have to advertise when there is a petition in order to hold a single hearing in the matter.

If only a portion of the right is going to be granted an extension, you would need to advertise that one.

That's your one research question for the day.....I learned something new too!

Pam

From: Stanton, Jim
Sent: Friday, March 12, 2010 8:30 AM
To: Skaggs, Pam
Cc: Stanton, Jim
Subject: RE: Extensions to Avoid Forfeiture & Transfer Application

Pam – Does an extension need to be advertised even if the right is recommended for forfeiture in full or in part?

From: Skaggs, Pam
Sent: Friday, March 12, 2010 8:12 AM
To: Stanton, Jim
Cc: Merritt, Allen
Subject: Extensions to Avoid Forfeiture & Transfer Application

Jim,

I had a crazy day yesterday & cannot remember if I responded to your question after I discussed it with Shelley. He agrees that we need to process the Extensions prior to transfer. We could have problems if we tried to do them together. If the forfeiture issue is addressed first in the Extension process the result can be reflected in the transfer.

Pam

Pam Skaggs
WR Supervisor
287-4951



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 5, 2010

SOUTHFIELD PROPERTIES LLC
3308 S 1600 E
WENDELL ID 83355

RE: Abandonment of a Water Right
Water Right No. 36-4021 & 36-10916

Dear Southfield Properties LLC:

The Department of Water Resources received the request to relinquish water rights 36-4021 and 36-10916 on February 12, 2010. The water rights have been relinquished and are no longer in effect.

If you have any questions regarding this matter, please contact the Department.

Sincerely,

Craig L. Saxton
Water Right Supervisor
Water Right Permits Section

**T
S ENTERPRISES**

K 255 Blue Lakes Blvd. N.
PMB 617
Twin Falls, Idaho 83301
208-324-6411
Cell 208-320-0897

RECEIVED
MAR 04 2010
DEPARTMENT OF
WATER RESOURCES

January 22, 2010

SOUTHFIELED PROPERTIES LLC
3308 S. 1600 E.
Wendell, Idaho 83355

RECEIVED
MAR 08 2010
DEPT. OF WATER RESOURCES
SOUTHERN REGION

**Re: application for extension of time to avoid forfeiture of water rights.
36-7377F, and 36-75-47F.**

Arie,

Please sign the two enclosed applications to avoid forfeiture of the two water rights. Send them to IDWR in Boise, Idaho. (envelope enclosed with address). Copy the applications after you sign the and send those copies to me for recording. You will need to send filing fee of \$100.00 for ea. application. \$200.00) There is still one application we will send as soon as the transfer has split the right to be file for forfeiture of water right.# 36-2279

Please notify me when you receive this data for the Idaho Dept. of Water Res.

If you have any questions, please feel free to contact me.

Gary L. Funderburg
TSK ENTERPRISES LLC

RECEIVED

DEC 23 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

10/18/04

RELINQUISHMENT OF ~~PERMIT~~ WATER RIGHTS

To: State of Idaho Department of Water Resources

RECEIVED

FEB 12 2010

Gentlemen:

Department of Water Resources

I/We wish to Relinquish ^{Right} ~~Permit~~ No. 36-4021 & 10916 filed in the name of

Southfield Properties LLC

Dated this _____ day of _____, _____.

Ch. A. Smith DRA Southfield Dair
(Signature of Permit Holder)
Owner

(Title)

(Address)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

February 11, 2010

Southfield Properties LLC
3308 S 1600 E
Wendell, ID 83355

RE: App For Transfer 75870

Dear Mr. Roloffs;

I contacted Jason Helms of Thompson Engineering last November concerning his running of the Snake River model to determine the need for mitigation for your proposed water transfer, as my understanding is that mitigation will be required. I have received no reply since then, however, so I am contacting you directly on this matter. Your application cannot be processed without a copy of the Snake River model showing that mitigation is or is not required. If mitigation is required, a proposed mitigation plan must be submitted that provides the additional water volume needed to allow the transfer to be approved.

Please submit these documents to this office by March 15 so that processing of your application can continue. If the items are not received by that date, steps will be taken to reject your application; your filing fee will not be refunded. You can also withdraw the application and get the \$500 filing fee refunded. But without an approved transfer or at least a pending application, you would be subject to a Notice of Violation from Water District 130 for excessive irrigation use.

Regards,

James E. Stanton
Sr. Water Resource Agent

Cc: Gary Funderburg
Jason Helms

MEMO

.....

FROM: Jim Stanton

DATE: 12-23-09

TO: Aaron Marshall

SUBJECT: Applications To Put Water Rights Into The Water Bank (Southfield Properties)

I just received these application to put all 3 of the groundwater rights for this farm into the Bank. I have been reviewing App. For Transfer 75870, which proposes to move a portion of these rights to another farm to cover illegal acres and curtailment acres that they wish to continue to irrigate. During my review, I have determined that only 65.5 of the 123 allowed acres have been irrigated during the last 5 years. So I am recommending that all of Rights 36-7377F & 7547F, plus a portion of 36-2297, be declared forfeited in the transfer approval. Hopefully this will be completed long before you are able to consider these rights for admission to the Bank. This is just like the Double A Dairy situation, where a pending transfer has caused a recommendation for forfeiture.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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

November 25, 2009

Thompson Engineering Inc
ATTN: Jason Helms
215 Farnsworth Way
Rigby, ID 83442

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

RE: App For Transfer 75870, Southfield Properties; Your Letter Dated 11-19-09

Dear Jason;

Based on a discussion at our weekly staff meeting this morning, it appears that you misunderstood what Cindy told you regarding the forfeiture issue. Our policy under Transfer Processing Memo #24, dated 1-21-09, the filing of an application does NOT stop the forfeiture clock. We do not go back exactly five years from the date the transfer is filed, but instead go back five irrigation seasons to review the data available in ArcMap (that is how I do it, anyway). In this particular case, I was able to view photos for every year from 2005 through this year; there was no missing data, as is sometimes the case. I looked at 2004 data also, as this was the last year that all the land under the pivot was irrigated, but that was outside the 5-year period that we are required to review.

What I did not consider in my review was the possibility that some of this land may have been protected from forfeiture by being in a mitigation plan. Neither Gary nor Arie mentioned this possibility, and I did not think of it myself. Cindy Yenter suggested this morning that this needed to be checked out, and has now confirmed that 29.9 acres in the NW/NE Sec. 9 were in an accepted mitigation plan for 2005 and therefore still available for transfer. I can now recommend a total of 95.4 "good" acres under the pivot; hopes this helps with your running of the ESPA model. I will endeavor to work more closely with Cindy on this question in the future.

Regards,

James E. Stanton
Sr. Water Resource Agent

Cc: Gary Funderburg



November 19, 2009

RECEIVED

NOV 24 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

James E. Stanton
Idaho Department of Water Resources
Southern Regional Office
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RE: Application for Transfer #75870 (Southfield Properties, LLC)

Dear Jim:

I have been contacted by Mr. Gary Funderburg of TSK Enterprises who is working on behalf of Southfield Properties, LLC in order to prepare an analysis of the potential ESPA impacts related to proposed transfer #75870.

During my review, I noticed that significantly more acreage appears to have been irrigated under combined water rights 36-2297, 36-7377F & 36-7547F during the 2004 irrigation season (see attached 2004 NAIP aerial photo) than indicated in your letter dated October 15, 2009 to TSK Enterprises which suggests that only 65.5 acres of irrigation have been utilized within the last 5 years.

Please review carefully and verify which lands have exceeded the 5 year time span allowed by Idaho Code for continuing water right use, because according to my calculations any areas irrigated after August 20, 2004 (during the 2004 irrigation season) would actually be within the 5 year time span based on the transfer application being received by your office on August 20, 2009.

If you have any questions or would like to discuss further please don't hesitate to call.

Sincerely,

Jason C. Helms, P.E.

Attachment

Cc: Gary Funderburg (TSK Enterprises)
Arie Roeloffs (Southfield Properties)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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

November 9, 2009

TSK Enterprises
255 Blue Lakes Blvd North
PMB 617
Twin Falls, ID 83301

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

RE: App For Transfer 75870 Southfield Properties

Dear Gary;

After discussing the use of wastewater on their Wendell property with Mr. Roloff last Friday, I visited the supposed point of diversion for Rights 36-4021 & 10916. The original pod for these rights was in Sec. 9 where their south pivot is, but this was changed by transfer to Sec. 4 in 1989. I viewed the waste ditch from the fenceline west of the house all the way up into the next 40 to the north, but saw absolutely no sign of anything that might have been diversion works. There were no pumps, power poles or anything else to indicate that their might have been something there at one time. Ari said he did not think they used any wastewater, and my visit certainly confirmed that – at least not from a diversion in Sec. 4.

The presence of the wastewater rights is a loose end that Allen would like to clean up as part of processing this transfer, and has suggested that Mr. Southfield be approached to relinquish these rights. Please discuss this with your clients to see if they are willing to do this. A relinquishment form is enclosed in case they are agreeable.

Regards,

James E. Stanton
Sr. Water Resource Agent

Signal Relinquishment Attached

MEMORANDUM

Date: November 06, 2009
To: Transfer 75870
From: jstanton
Re: Comment/Analysis

This application proposes to dry up land in Basin 36 so that curtailed land in Basin 37 can continue to be irrigated. The farm in Basin 37 also includes land that is irrigated without a water right, so the transfer will resolve this issue also. The transfer also includes the rights already appurtenant to the Gooding property, as there have been enough changes in that water system so the pou as currently described is incorrect. While Tim Luke recently estimated that 620 acres were irrigated here, my ArcMap shapefile shows only 607.6 acres; I will correct the application and seek applicant approval for the change before moving forward.

Parallel Processing Required:

Advertising Required: Yes

Authority To File: The applicant is the owner of record for both farms, so this is not an issue for the most part. However, several acres of neighboring property are watered on the Gooding property; the applicant will have to provide written permission from the neighbor to include his property in the transfer.

Water Right Validity: The right being moved between basins was decreed in 1997, so forfeiture must be considered. I have reviewed ArcMap and Landsat photos for every year from 2003 through 2009, and have concluded that only 65.5 acres have been irrigated since 2005. There has been only a pivot sprinkler on this farm since at least 2003 (no corner irrigation), and the land under the pivot has been converted to compost storage for dairy waste from the facility just east of the pivot (the applicant also owns the dairy). The highest amount of irrigation occurred in 2006, so I am recommending this amount of land. The entire pivot has been converted to compost storage by this year, and there was no indication of any irrigation in 2005. Unless the applicant provide data showing more irrigation than this, I recommend that Rights 36-7377F & 7547F be declared forfeited and that Right 36- (the untransferred portion of Rt. 36-2297) be reduced to cfs and afa for acres. Wastewater Rights 36-4021 & 10916 should also be reduced to reflect the forfeiture of acres.

Injury To Other Rights: This water is being moved about 12 miles NE of the current location, so ESPA analysis is required. The analysis submitted by the applicant shows that

Enlargement of Use: The groundwater rights on the Wendell farm indicate that canal shares are also appurtenant to this property. But Terry at NSCC has confirmed that there have been no shares here since 2000, and only 5 shares from 1979 to 2000; another 30 shares or so were sold off in 1979. So the 065 & 104 conditions that were added to these rights in a recent transfer as bogus and should be removed; they specifically mention canal water instead of just surface water in general.

The wastewater rights appurtenant to this ground need to be brought in as associated rights so that their place of use can be reduced to reflect the forfeiture of acres in Sec. 9. I asked Ari Roloff, the manager for Southfield, about the wastewater use. He said he did not think the right was used anymore. I visited the wastewater diversion on 11-6-09, and found absolutely nothing that looked like

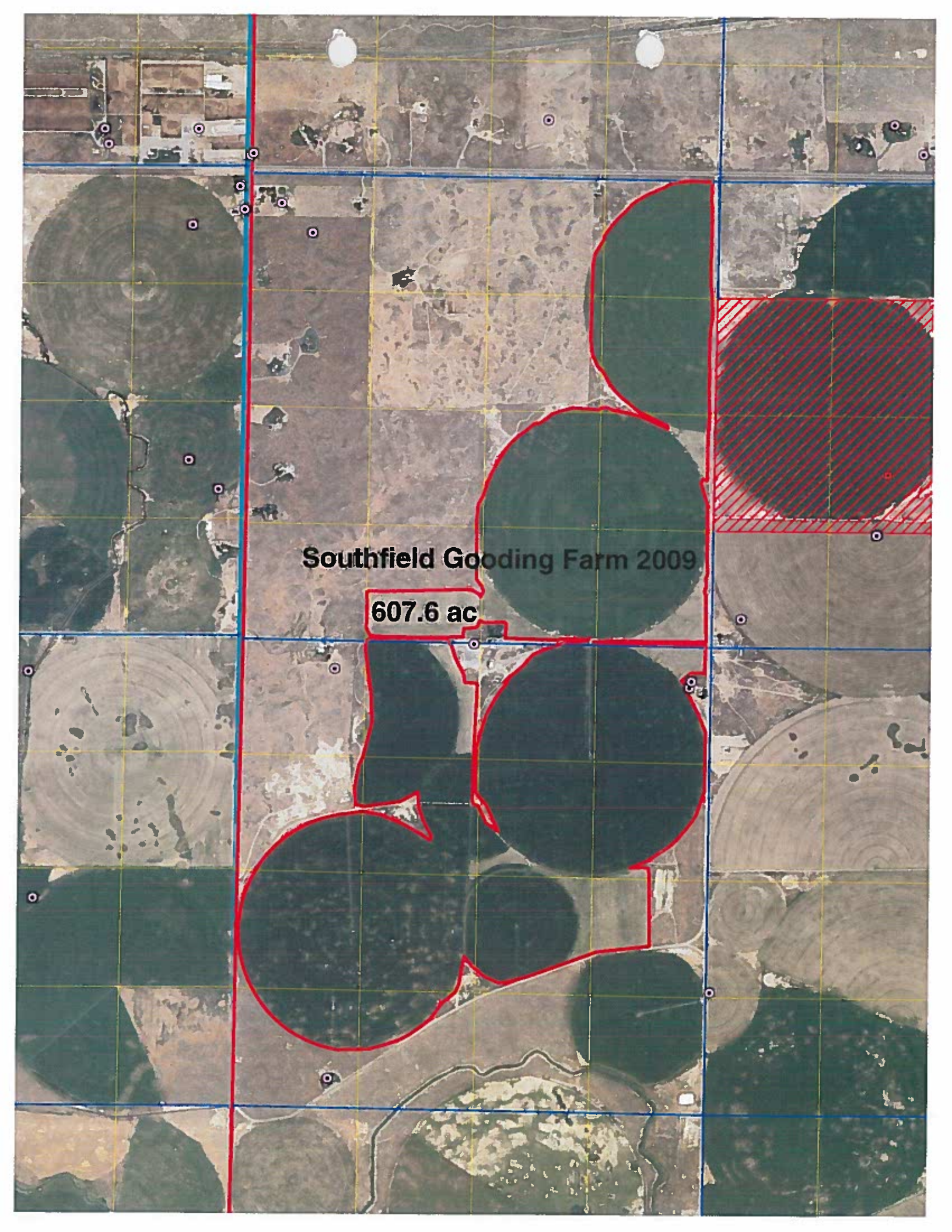
MEMORANDUM

diversion works. The waste ditch is below much of the land under the right, so would have to be pumped into sprinklers to be properly applied. I found no old power poles, fuel tanks, or anything else that might have been used for this purpose. There were a couple of rusty old pipe sections laying on the ground, but no indication of their use. The vegetation had not been disturbed for a long time from what I could see. I looked from the west 40 line to quite a ways upstream, but saw absolutely nothing. The transfer allowing this pod was approved in 1989, and stated that there would be a pump and mainlines installed. Both wastewater rights on this pod, 36-4021 & 10916, appear to have been abandoned. Rather than leaving these rights in limbo, Allen suggested that we try to get the applicant to relinquish these rights; I will follow up on this idea.

Local Public Interest: No issues identified.

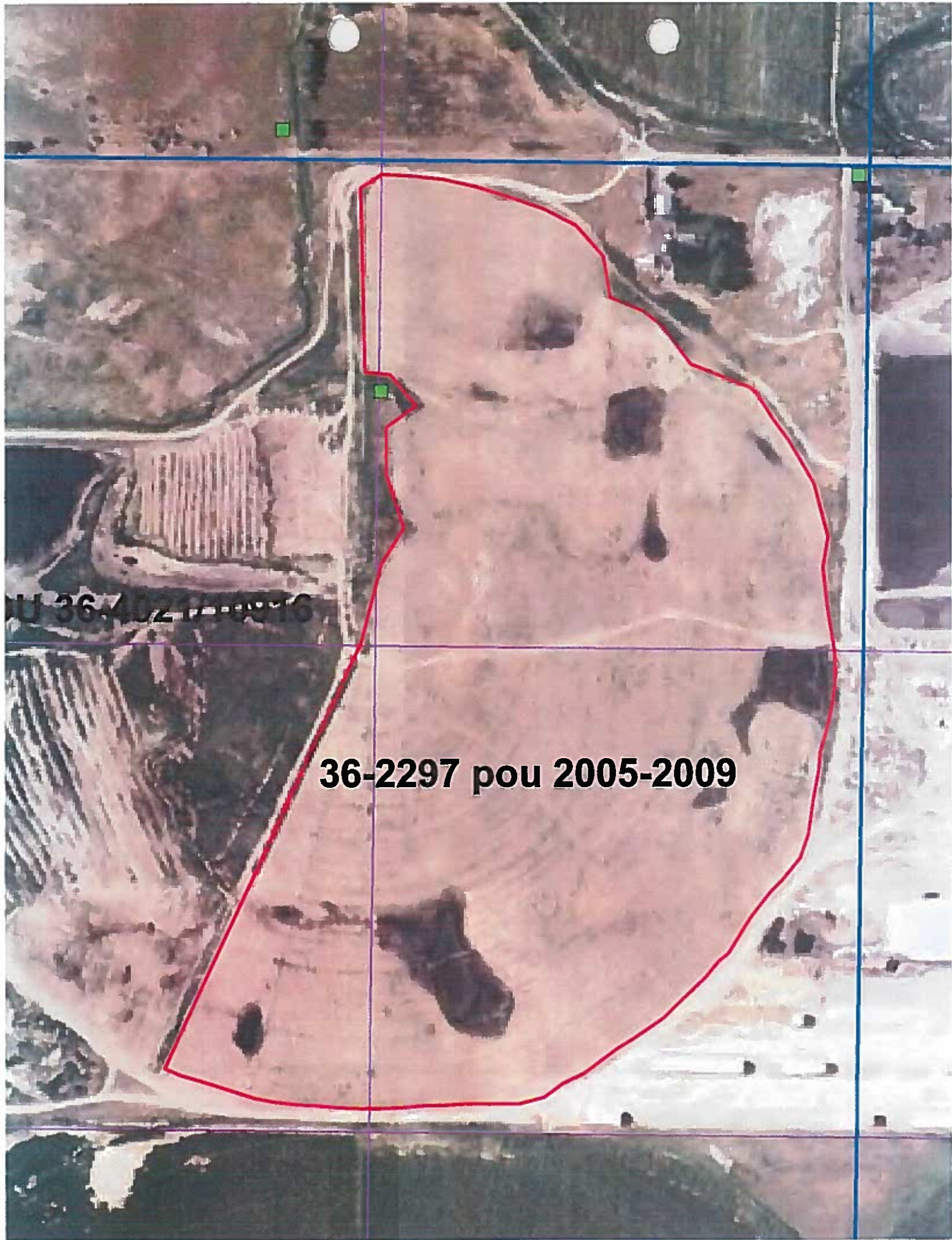
Beneficial Use/Conservation of Water Resources: No issues identified.

Review of the application finds that there is no clear inconsistency with criteria set forth in Sec. 42-222 I. C. preventing processing. At least prior to advertising, no other issues have been identified that would require further review or submittal of additional data by the applicant.

An aerial photograph of a farm area with a yellow grid overlay. A red line outlines a large, irregularly shaped area. Within this red-outlined area, there are several dark green, circular or semi-circular patches, likely representing water bodies or dense vegetation. To the right of the main red-outlined area, there is a rectangular area filled with red diagonal hatching. The text "Southfield Gooding Farm 2009" is centered in the middle of the image, and "607.6 ac" is positioned just below it.

Southfield Gooding Farm 2009

607.6 ac



U 36-4021-05-16

36-2297 pou 2005-2009



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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

October 27, 2009

TSK Enterprises
255 Blue Lakes Blvd North
PMB 617
Twin Falls, ID 83301

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

RE: App For Transfer 75870 Southfield Properties; My Letter Dated 10-15-09

Dear Gary;

I have reviewed the power records that you faxed to me, and have compared these to the WMIS records of water usage for this well. Both sets of data are in agreement, and they confirm my conclusion that usage of this well has been greatly reduced during the last five years. The highest volume determined by WMIS during this period was about 94 acre feet in 2007, which is much less than would be expected. Allen suggested that I use the acres as shown on the aerial photos, so this is what I will do. My initial finding of forfeiture of all but 65.5 acres still appears to be correct.

Regards,

James E. Stanton
Sr. Water Resource Agent

**TSK ENTERPRISES
255 BLUE LAKES BLVD NTH
PMB 617
TWIN FALLS, IDAHO 83301
PH & FAX 208-324-6411
CEL-208 320-0897
GARY L. FUNDERBURG**

October 27, 2009

Fax to : 208-736-3037

From: GARY L.FUNDERBURG

Fax From # 208 324-6411

Here is the power records for the well in question. Arei Roliegh indicate the well has been used to irrigate the ground in question. Please review them and get back in touch with me.

\
If you need more information, Please contact me.

Thank you,

GARY FUNDERBURG



Premise Billing History

10/24/2009

To: Greg / Southfield Dairy

Email: greghirai@gmail.com

Re: 08s14e0910/Wendell,Id 83355

Read Date	SA Type	Days	Read Code	\$Amount	Usage	Demand	Customer
9/25/2009	EA-IR	30	R	\$16.50	0.00 KWH	0.00 KW	Southfield Dairy
8/26/2009	EA-IR	29	R	\$16.50	0.00 KWH	0.00 KW	Southfield Dairy
7/28/2009	EA-IR	32	R	\$16.50	0.00 KWH	0.00 KW	Southfield Dairy
6/26/2009	EA-IR	29	R	\$16.46	0.00 KWH	0.00 KW	Southfield Dairy
5/28/2009	EA-IR	30	R	\$3.08	0.00 KWH	0.00 KW	Southfield Dairy
4/28/2009	EA-IR	32	R	\$6.71	64.00 KWH	2.00 KW	Southfield Dairy
3/27/2009	EA-IR	29	R	\$3.08	0.00 KWH	0.00 KW	Southfield Dairy
2/26/2009	EA-IR	29	R	\$3.08	0.00 KWH	0.00 KW	Southfield Dairy
1/28/2009	EA-IR	30	R	\$3.08	0.00 KWH	0.00 KW	Southfield Dairy
12/29/2008	EA-IR	33	R	\$3.08	0.00 KWH	0.00 KW	Southfield Dairy
11/26/2008	EA-IR	30	R	\$3.08	0.00 KWH	0.00 KW	Southfield Dairy
10/27/2008	EA-IR	32	R	\$3.08	0.00 KWH	0.00 KW	Southfield Dairy
9/25/2008	EA-IR	30	R	\$403.79	545.00 KWH	76.00 KW	Southfield Dairy
8/26/2008	EA-IR	29		\$665.27	6227.00 KWH	77.00 KW	Southfield Dairy
7/28/2008	EA-IR	32	R	\$1,125.66	16418.00 KWH	77.00 KW	Southfield Dairy
6/26/2008	EA-IR	29	R	\$882.48	10895.00 KWH	80.00 KW	Southfield Dairy
5/28/2008	EA-IR	30		\$84.25	1664.00 KWH	86.00 KW	Southfield Dairy
4/28/2008	EA-IR	32	R	\$12.51	194.00 KWH	3.00 KW	Southfield Dairy
3/27/2008	EA-IR	23		\$11.70	192.00 KWH	3.00 KW	Southfield Dairy
3/4/2008	EA-IR	29		\$5.25	47.00 KWH	3.00 KW	Southfield Dairy
2/4/2008	EA-IR	31		\$3.64	13.00 KWH	1.00 KW	Southfield Dairy
1/4/2008	EA-IR	31		\$3.79	16.00 KWH	1.00 KW	Southfield Dairy
12/4/2007	EA-IR	33		\$4.80	38.00 KWH	3.00 KW	Southfield Dairy
11/1/2007	EA-IR	30		\$12.30	200.00 KWH	80.00 KW	Southfield Dairy
10/2/2007	EA-IR	32	R	\$144.17	3048.00 KWH	80.00 KW	Southfield Dairy
8/31/2007	EA-IR	29		\$406.75	917.00 KWH	81.00 KW	Southfield Dairy
8/2/2007	EA-IR	30	R	\$1,226.21	23249.00 KWH	80.00 KW	Southfield Dairy
7/3/2007	EA-IR	29	R	\$968.99	16397.00 KWH	79.00 KW	Southfield Dairy
6/4/2007	EA-IR	32		\$25.84	80.00 KWH	2.00 KW	Southfield Dairy

5/3/2007	EA-IR	29	R	\$20.54	435.00 KWH	3.00 KW	Southfield Dairy
4/4/2007	EA-IR	30	R	\$7.14	102.00 KWH	2.00 KW	Southfield Dairy
3/5/2007	EA-IR	31	R	\$3.05	0.00 KWH	0.00 KW	Southfield Dairy
2/2/2007	EA-IR	29		\$13.86	269.00 KWH	35.00 KW	Southfield Dairy
1/4/2007	EA-IR	31	R	\$3.05	0.00 KWH	0.00 KW	Southfield Dairy
12/4/2006	EA-IR	33	R	\$3.05	0.00 KWH	0.00 KW	Southfield Dairy
11/1/2006	EA-IR	30		\$3.29	6.00 KWH	4.00 KW	Southfield Dairy
10/2/2006	EA-IR	32	R	\$153.90	3753.00 KWH	76.00 KW	Southfield Dairy
8/31/2006	EA-IR	29	R	\$720.12	12141.00 KWH	75.00 KW	Southfield Dairy
8/2/2006	EA-IR	30	R	\$1,096.58	24226.00 KWH	76.00 KW	Southfield Dairy
7/3/2006	EA-IR	31		\$678.80	10655.00 KWH	76.00 KW	Southfield Dairy
6/2/2006	EA-IR	30		\$370.65	840.00 KWH	76.00 KW	Southfield Dairy
5/3/2006	EA-IR	29	R	\$11.47	142.00 KWH	3.00 KW	Southfield Dairy
4/4/2006	EA-IR	32	R	\$11.71	148.00 KWH	3.00 KW	Southfield Dairy
3/3/2006	EA-IR	30	R	\$3.05	0.00 KWH	0.00 KW	Southfield Dairy
2/1/2006	EA-IR	29		\$3.05	0.00 KWH	0.00 KW	Southfield Dairy
1/3/2006	EA-IR	33	R	\$3.05	0.00 KWH	0.00 KW	Southfield Dairy
12/1/2005	EA-IR	30	R	\$12.49	187.00 KWH	2.00 KW	Southfield Dairy
11/1/2005	EA-IR	32	R	\$141.15	1786.00 KWH	76.00 KW	Southfield Dairy
9/30/2005	EA-IR	30		\$661.17	14305.00 KWH	77.00 KW	Southfield Dairy
8/31/2005	EA-IR	29	R	\$857.72	12492.00 KWH	77.00 KW	Southfield Dairy
8/2/2005	EA-IR	32	R	\$1,125.35	18945.00 KWH	77.00 KW	Southfield Dairy
7/1/2005	EA-IR	29		\$27.78	171.00 KWH	2.00 KW	Southfield Dairy
6/2/2005	EA-IR	30		\$20.23	4.00 KWH	2.00 KW	Southfield Dairy
5/3/2005	EA-IR	29	R	\$19.49	371.00 KWH	3.00 KW	Southfield Dairy
4/4/2005	EA-IR	32		\$10.57	136.00 KWH	3.00 KW	Southfield Dairy
3/3/2005	EA-IR	30	R	\$3.00	0.00 KWH	0.00 KW	Southfield Dairy
2/1/2005	EA-IR	29	R	\$3.00	0.00 KWH	0.00 KW	Southfield Dairy
1/3/2005	EA-IR	33		\$4.94	9.00 KWH	2.00 KW	Southfield Dairy
12/1/2004	EA-IR	30		\$13.48	234.00 KWH	2.00 KW	Southfield Dairy
11/1/2004	EA-IR	32	R	\$156.84	2366.00 KWH	80.00 KW	Southfield Dairy
9/30/2004	EA-IR	30	R	\$757.76	18507.00 KWH	65.00 KW	Southfield Dairy

If you have any questions, please call our business office at 1-800-488-6151.

Thank you.

Idaho Power Co
Customer Service Center



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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

October 15, 2009

TSK Enterprises
255 Blue Lakes Blvd North
PMB 617
Twin Falls, ID 83301

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

RE: App For Transfer 75870, Southfield Properties

Dear Gary;

My initial review of this application has turned up the following issues: Only 65.5 acres have been irrigated in the NE¼ Sec. 9 (the Wendell property) during the last 5 years, so all of Rights 36-7377F & 36-7547F should be declared forfeited; Right 36-2297 should be reduced to 1.31 cfs for 65.5 acres; the description of the land being dried up under 36-2297 needs to be changed due to forfeiture, but there is sufficient land left to accomplish the proposed transfer; **an ESPA analysis is required for this transfer, but has not been provided.** An Arcmap photo showing the 65.5 acres remaining on this property is enclosed for your review. If the owner wants to provide data showing that more land than this has been irrigated since 2005, I will consider the data. My conclusion is based on looking at ArcMap data for that farm since 2003, so I feel strongly that my review is correct. There is no evidence of irrigation there in 2005; the maximum amount of irrigation appears to have occurred in 2006, so I am giving them credit for that year. **I will need to visit this property to see how waste water is used here.**

With regard to the Gooding property, I found 607.6 acres irrigated there (not 620 acres as determined by Tim Luke). A few acres are on land owned by Patrick Richards of Bliss (2008 taxlot data), so the applicant will need written permission from him to irrigate his land. The difference between the decreed place of use and the current place of use is 31.6 acres. If the idea is to cover land that has no water right plus 11 acres subject to curtailment, the total extra water needed will be 42.6 acres instead of 44 as shown on the application. I can fix this in a corrected application, but am just letting you know about it. An Arcmap photo of this property is enclosed for your information in case you want to discuss it with the applicant.

Regards,

James E. Stanton
Sr. Water Resource Agent



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

October 8, 2009

Southfield Properties
Att: Arie Roeloffs
3308 S 1600 E
Wendell, ID 83355

Re: Consent Order & Agreement dated October 9, 2009

Dear Mr. Roeloffs,

I am in receipt of the attached Consent Order & Agreement that you signed on October 5, 2009 and the civil penalty in the amount of two thousand dollars (\$2000) that you paid regarding the Notice of Violation dated August 17, 2009. Please find attached a copy of the signed Consent Order and Agreement that I executed on behalf of the Department along with a receipt for your payment of the penalty. The Department appreciates your cooperation in this matter.

It is my understanding that you inquired about the status of your water right transfer application when dropping off the Consent Agreement at our Twin Falls office. I understand from talking to staff at Twin Falls that there are at least 20 other applications ahead of yours. I anticipate that it will take at least several months to process or complete. Please note that you can not irrigate any additional acres at the farm site near Gooding until the transfer has been approved. You may contact Jim Stanton at our Twin Falls regional office directly regarding the status of your transfer application.

Please contact me directly at 208-287-4959 if you have any further concerns or questions regarding this matter.

Respectfully,

Tim Luke

Water Distribution Section

Enclosure: Signed Copy of Consent Order and Agreement; Receipt for Payment Penalty

Cc: Cindy Yenter, Watermaster, Water District No. 130
John Homan, Deputy Attorney General
Allen Merritt, IDWR Southern Region Manager



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

September 11, 2009

RECEIVED

OCT 06 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Southfield Properties, LLC
Attention: Arie Roeloffs
3308 S 1600 E
Wendell, ID 83355

Re: Consent Order and Agreement for Notice of Violation Dated August 17, 2009

Dear Gentlemen,

Please find enclosed a Consent Order and Agreement regarding the Notice of Violation dated August 24, 2009 that the Idaho Department of Water Resources (Department) sent to you. This Agreement is being sent to you following several phone conferences that I have had with you between approximately August 17 and September 10, 2009. The Department appreciates your action to correct the violation by promptly filing a water right transfer application last month. As we discussed, I have prepared a Consent Order and Agreement for your consideration without the need for a face-to-face compliance conference since this matter is relatively straightforward and because you have already taken steps to comply with Idaho water law.

I believe the terms and conditions of the proposed Consent Order and Agreement are consistent with what we have discussed. Please note that I have acknowledged restitution provided by the idled irrigation pivot this year located west of your West Point dairy facility. However, the required civil penalty may be higher than we originally discussed since I do not yet have clear evidence yet that you ceased irrigation of the additional 33 acres near Gooding that was the subject of the Notice of Violation.

Please carefully review and consider the terms and conditions of this proposed order and agreement. If you agree with the terms and conditions, please sign the document and return it directly to me as soon as possible. I will then execute the agreement on behalf of the Department and return a copy of the original with signatures to you. If you have any further concerns or questions about the proposed order and agreement, please call me directly or submit written comments to me at the office listed on this letterhead. I look forward to your prompt reply and a final resolution of this matter.

Respectfully,

Tim Luke
Water Distribution Section

Enclosure: Consent Order and Agreement

Cc: Cindy Yenter, Water District 130 Watermaster
Allen Merritt, IDWR Southern Region Manager
John Homan, Deputy Attorney General

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO
CONSENT ORDER AND AGREEMENT**

RECEIVED
OCT 06 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

In the matter of Notice of Violation and Cease and Desist Order dated August 17, 2009, issued to Southfield Properties LLC pursuant to Section 42-1701B, Idaho Code.

Findings of Fact

- 1) Southfield Properties LLC ("Southfield" or "Respondent") is the owner of record of property located within Sections 7 and 18, Township 8 South (T8S), and Range 14 East (R14E). Southfield is owner of record of five ground water rights that authorize the irrigation of up to 587 acres within the above referenced location. The five Southfield rights are identified as water right nos. 37-2549, 37-2550, 37-7370, 37-7572, 37-7634 and 37-8732.
- 2) On July 23, 2009, the watermaster of Water District No. 130 sent a Notice of Pending Curtailment of Water Rights to right holders within Water District 130 subject to the Clear Springs Foods water right delivery call. The watermaster sent Southfield a copy of this notice for water right number 37-8732, which bears a priority date of April 13, 1991. The watermaster's notice, pursuant to direction from the Director of the Idaho Department of Water Resources' ("Department") Order Curtailing Ground Water Rights in Water Districts 130 and 140 Junior to January 8, 1981 dated July 22, 2009, advised users that water rights would be curtailed effective July 31, 2009.
- 3) Between July 31 and about August 10, 2009, the watermaster's monitoring of water rights subject to the curtailment notice referenced in Finding 2 above revealed that Southfield was potentially irrigating up to 638 acres of land within Sections 7 and 18, T6S, R14E using the five rights listed in Finding 1 above. The watermaster found that Southfield was irrigating an additional 30 to 50 acres without valid water rights since the five water rights only authorize irrigation of a total combined 587 acres.
- 4) On August 17, 2009, the Department sent Southfield a Notice of Violation and Cease and Desist Order (NOV) notifying Southfield that it was irrigating in 2009 a total of about 620 acres of land in Sections 7 and 18, T6S, R14E and that approximately 33 acres of that land was irrigated without valid water rights. The 33 acres were determined based on further review and calculation of irrigated acres by Southfield, including review of a map showing irrigated fields and the number of irrigated acres per field that was submitted to the watermaster and Department staff by a Southfield representative on August 10, 2009. The Department' NOV required Southfield to cease and desist from further irrigation of the 33 acres until valid water rights were obtained for the land, provide restitution to replace the amount of water illegally diverted from the Eastern Snake Plain Aquifer in 2009 by setting aside and curtailing diversion of ground water on a minimum of 33 acres during 2010, and pay a civil

penalty of nine thousand nine hundred dollars (\$9,900), which is the maximum penalty authorized by law for an illegal diversion of water of this magnitude.

- 5) Upon receipt of the Department's NOV dated August 17, 2009, Southfield contacted the Department to advise that it was in the process of filing a water right transfer application to move other water rights owned by Southfield to the unauthorized 33 irrigated acres in Sections 7 and 18, T6S, R18E. Southfield filed the water right transfer application with the Department on August 20, 2009. Southfield further advised the watermaster and Department staff that it owned water rights and lands within Water District 130 that were not irrigated in 2009. Specifically, the non-irrigated land includes about 90 to 100 acres under a center pivot system located within the NE1/4 of Section 9, T8S, R14E. The water right transfer application filed by Southfield proposes to move at least 33 acres of land from this pivot to cover the additional 33 acres of irrigated land in Sections 7 and 18, T6S, R18E. Department staff have verified through review of 2009 satellite imagery that the land under the pivot in the NE1/4 of Section 9, T8S, R14E was not irrigated in 2009.
- 6) Southfield did not specifically request a compliance conference provided by Section 42-1701B, Idaho Code, but did participate in several phone conversations with Department staff between August 17 and September 10, 2009 in an effort to resolve the NOV and bring its water use in compliance with its water rights.

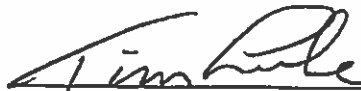
It is hereby ordered and agreed that:

Terms of Agreement

- 1) Southfield agrees to limit its irrigation under water right nos. 37-2549, 37-2550, 37-7370, 37-7572, 37-7634 and 37-8732 to no more than 587 acres for the remainder of the 2009 irrigation season and any subsequent irrigation season until additional valid water rights are secured pursuant to an approved water right transfer, or other written authorization is obtained from the Department.
- 2) Restitution for the unauthorized withdrawal of ground water for irrigation of 33 acres during 2009 will be considered accomplished by the concurrent set-aside during 2009 of at least 33 acres of irrigated land located in the NE1/4 of Section 9, T8S, R14E, authorized by ground water right no. 36-2297 and owned by Southfield.
- 3) Payment of an agreed civil penalty in the amount of two thousand dollars (\$2,000) is payable to the Idaho Department of Water Resources within twenty-one (21) days of the execution of this agreement for the violation identified in the Notice of Violation dated August 17, 2009.
- 4) The Department suspends payment of seven thousand, nine hundred dollars (\$7,900) civil penalty, which is the maximum penalty authorized by law for an illegal diversion of 33 acres less the amount identified in term 4 above. This penalty or any portion may be re-imposed for Southfield's failure to fully comply with the terms of this agreement.

- 5) This agreement does not limit the Department or the watermaster of Water District No. 130 to seek future compliance or regulation of said water use for other issues not directly related to the unauthorized use in 2009.

Dated this 8th day of October, 2009

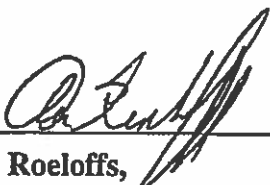
A handwritten signature in black ink, appearing to read "Tim Luke", written over a horizontal line.

Tim Luke, Manager
Water Distribution Section
Idaho Department of Water Resources

CONSENT

Respondent acknowledges, in general, the facts set forth herein and accepts fully the terms and conditions of this Order. These terms shall become effective upon execution by the parties. Respondent waives any right to contest this Order and consents to the issue hereof.

Signed this 5 day of Oct, 2009



Arie Roeloffs,
Southfield Properties, LLC

Stanton, Jim

From: Luke, Tim
Sent: Thursday, September 10, 2009 12:12 PM
To: Yenter, Cindy; Stanton, Jim
Subject: Southfield Transfer

Cindy,

I did not get that scanned copy of the Southfield water right transfer for their place in Basin 37. When was the transfer app filed - August 21?

In my call to Arie this morning he said that the land from which the right or rights are being moved from, which is next to the West Point facility, was not irrigated this year because they were using the land to place dry manure. Arie said that they have not used NSCC water on this land but did indicate they had used lagoon water there in the past.

I also called Arie again at noon regarding whether and where he ceased irrigating the additional 33 acres per the NOV - he thought they stopped irrigating on the hay fields - about 25 acres - he was in Gooding on his way to the farm and said he'd check that out and call me later today or tomorrow a.m.

Tim

Stanton, Jim

From: Luke, Tim
Sent: Thursday, August 20, 2009 12:21 PM
To: Stanton, Jim
Cc: Yenter, Cindy; Merritt, Allen
Subject: Southfield

Attachments: SRF-curtailSouthfield03-B37.jpg

Jim,

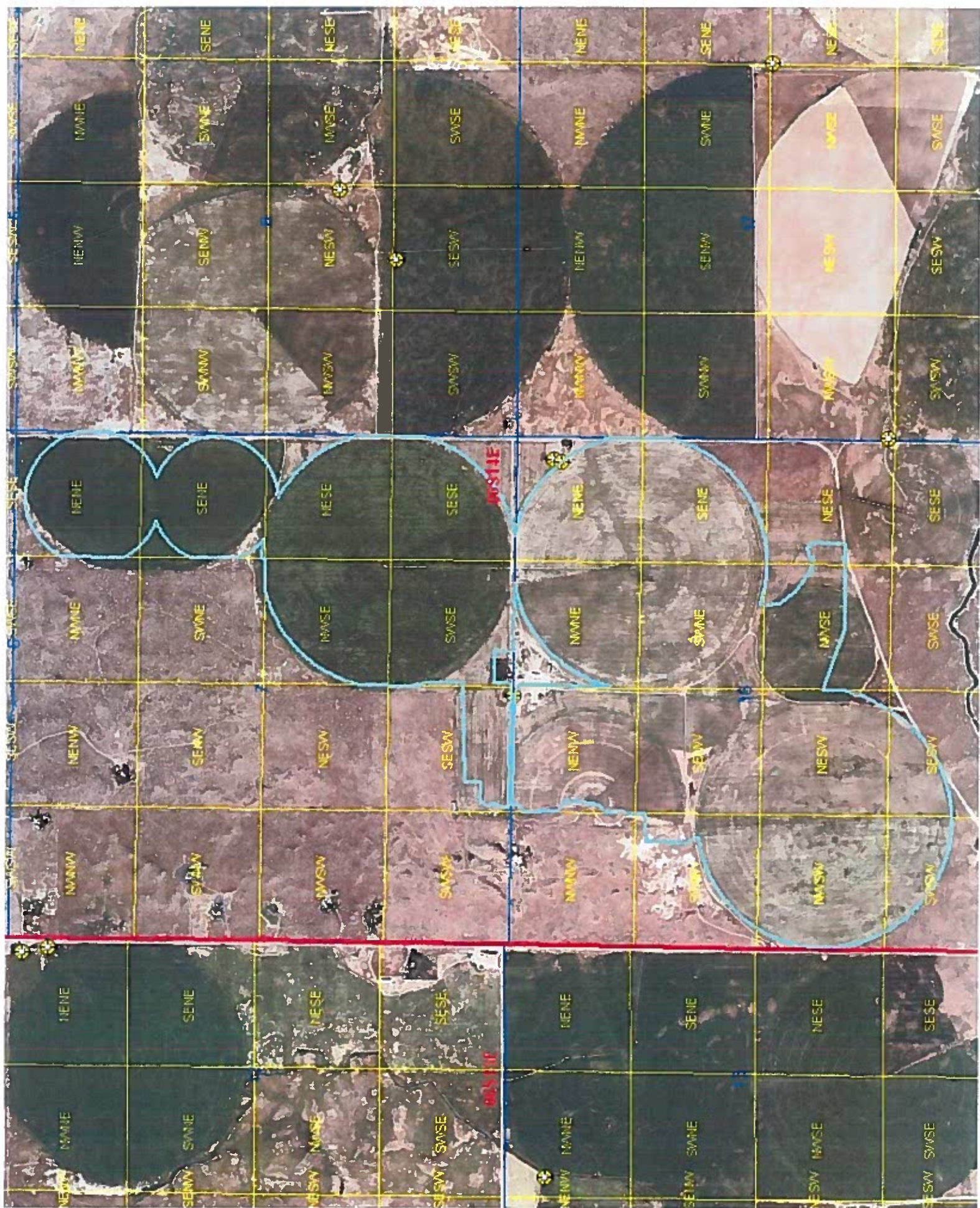
This is what I sent to Gary Funderburg the other day. I think he is confused. The highlighted area in this jpg shows the actual water rights shape of the five senior rights - so actually you can re-create this yourself. The junior right, 37-8732, is really a nominal shape of the five senior rights, plus adds 11 acres for a total of 587 acres for the 6 rights. I had sent the nominal shape for 37-8732 to Arie Roeloffs early last week but I don't know if Gary ever got that. I did not actually send Gary a shape or picture of the actual irrigated acres, nor did I create and save such a shape. I merely digitized the field boundaries and most of the non-farmable areas (as graphics), subtracted out the non-farmable ground and roads etc., and arrived at the 620 total irrigated acres - which is what I put in the NOV and is how I arrived at a net enlargement of 33 acres. Unfortunately, I somehow lost my graphics in ArcMap and can't create a shape from them without starting over again, but I assume you guys will do all that anyway as part of the transfer process.

I am confident that my e-mails to Gary, which I have since deleted but now regret, explained exactly what I sent to him. I hope that you or others there do not end up doing the transfer leg work for Gary. Arie should consider hiring Brockway or SPF if he wants this done right.

Tim



SRF-curtailSouthfiel
d03-B37.jp...





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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 17, 2009

Southfield Properties LLC
3308 S 1600 E
Wendell, ID 83355

CERTIFIED MAIL

RE: Notice of Violation; Order to Cease and Desist

Dear Gentlemen:

The Idaho Department of Water Resources (Department) has determined that Southfield Properties LLC (Southfield) is in violation of Idaho Code §42-351 during 2009. The violation is associated with the unauthorized diversion of ground water for irrigation of approximately 33 acres of land located within Sections 7 and 8, Township 6 South (T06S), and Range 14 East (R14E). The approximate 33 acres represents a water use enlargement of six valid ground water rights authorizing a total of 587 acres of irrigation within said Sections 7 and 18. The five existing valid ground water rights are owned by Southfield and are identified as 37-2549, 37-2550, 37-7370, 37-7572, 37-7634 and 37-8732.

The Water District No. 130 watermaster and Department found during 2009 that a total of about 620 acres were being irrigated within Sections 7 and 18, T06S, R14E under the above referenced water rights. The total combined irrigated acreage authorized by those rights is limited to 587 acres. The total net enlargement, or use of water without valid water rights, is about 33 acres. The Water District No. 130 watermaster and Department staff notified Southfield of this matter by verbal communication several times between August 10 and August 17, 2009. The watermaster and a Department representative met with Southfield's irrigation manager on August 12, 2009 to review maps and discuss the size of the enlargement. According to field acreage maps provided by Southfield, the total irrigated acreage by Southfield in Sections 7 and 18, T06S, R14E, is about 611 acres. However, review and digitizing of field boundaries from aerial photography on record at the Department indicate that the total irrigated acreage may be approximately 620 acres.

The irrigation of up to 33 additional acres without valid water rights constitutes a violation of Idaho Code §42-351, illegal diversion of water without a water right. Under Idaho Code §42-1701B, the director of the Department may commence an administrative enforcement action to obtain a remedy for a violation and seek a civil penalty for irrigation use equal to three hundred dollars (\$300) for each acre irrigated, in whole or in part, for water illegally used or diverted.

This letter provides formal notice of a violation of Idaho Code §42-351. Pursuant to Idaho Code §42-1701B, the Department requires the following actions be taken:

1. Immediately cease and desist from the further diversion of ground water on the approximate 33 acre enlargement within Sections 7 and 18, T06S, R14E.

2. Pay an agreed to civil penalty in the amount of nine thousand nine hundred dollars (\$9,900), which is the maximum penalty authorized by law for an illegal diversion of water of this magnitude. The civil penalty shall be due and payable to the Department no later than September 4, 2009.
3. Provide restitution to replace the amount of water illegally diverted from the Eastern Snake Plain Aquifer in 2009 by setting aside and curtailing diversion of ground water on a minimum of 33 acres during the 2010 irrigation season. Southfield shall submit a plan of restitution to the Department no later than September 4, 2009 that shows the location and number of acres that will be set-aside in 2010. Because you are required to make restitution, the civil penalty sought can be reduced upon negotiation with the Department pursuant to a compliance conference.
4. Southfield shall have the opportunity to enter into a Consent Agreement with the Department to remedy the violation and to assure future compliance with the laws of the State of Idaho.

If you object to any provision in this notice, you have the opportunity to schedule a compliance conference to discuss the violation with the Department. You must contact this office with seven days of receipt of this notice to request a compliance conference. Failure to comply with the requirements of this notice will be cause for the Department to initiate civil enforcement action through the Attorney General in district court.

If you wish to request a compliance conference, please call me directly or submit a written request to me at the office listed on this letterhead. I look forward to your prompt reply and a final resolution of this matter.

Respectfully,



Tim Luke
Manager, Water Distribution Section

cc: Cindy Yenter, Water District 130 Watermaster
Allen Merritt, IDWR Southern Region Manager
John Holman, Idaho Deputy Attorney General
North Snake Ground Water District



UNITED STATES DEPARTMENT OF
AGRICULTURE

Farm Service Agency
Gooding County Idaho



Farm 1955
Tract 463A

April 12, 2007



T 463



Tract 463
Farm 1955
Gooding, Idaho

South Field 22-6732





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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

September 11, 2009

Southfield Properties, LLC
Attention: Arie Roeloffs
3308 S 1600 E
Wendell, ID 83355

Re: Consent Order and Agreement for Notice of Violation Dated August 17, 2009

Dear Gentlemen,

Please find enclosed a Consent Order and Agreement regarding the Notice of Violation dated August 24, 2009 that the Idaho Department of Water Resources (Department) sent to you. This Agreement is being sent to you following several phone conferences that I have had with you between approximately August 17 and September 10, 2009. The Department appreciates your action to correct the violation by promptly filing a water right transfer application last month. As we discussed, I have prepared a Consent Order and Agreement for your consideration without the need for a face-to-face compliance conference since this matter is relatively straightforward and because you have already taken steps to comply with Idaho water law.

I believe the terms and conditions of the proposed Consent Order and Agreement are consistent with what we have discussed. Please note that I have acknowledged restitution provided by the idled irrigation pivot this year located west of your West Point dairy facility. However, the required civil penalty may be higher than we originally discussed since I do not yet have clear evidence yet that you ceased irrigation of the additional 33 acres near Gooding that was the subject of the Notice of Violation.

Please carefully review and consider the terms and conditions of this proposed order and agreement. If you agree with the terms and conditions, please sign the document and return it directly to me as soon as possible. I will then execute the agreement on behalf of the Department and return a copy of the original with signatures to you. If you have any further concerns or questions about the proposed order and agreement, please call me directly or submit written comments to me at the office listed on this letterhead. I look forward to your prompt reply and a final resolution of this matter.

Respectfully,

Tim Luke
Water Distribution Section

Enclosure: Consent Order and Agreement

Cc: Cindy Yenter, Water District 130 Watermaster
Allen Merritt, IDWR Southern Region Manager
John Homan, Deputy Attorney General