

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 07 2016

Department of Water Resources
Eastern Region

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

Name of Applicant(s) Layne F Hamilton, Thompson Brothers LLC Phone (208)785-0666Mailing address 839 W Riverton Rd, Blackfoot, ID 83221 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it Attachment #1.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it Attachment #2a.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it Attachment #2b.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it Attachment #3.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

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

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

Layne Hamilton
Signature of Applicant or Authorized Representative

Layne Hamilton
Print Name and Title if applicable

12-15-15
Date

Paul Thompson
Signature of Applicant or Authorized Representative

Paul Thompson
Print Name and Title if applicable

12-15-15
Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other split 27-2129A
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2.
- This transfer proposes to split 30 acres, 0.60 cfs, & 120 AF from water right 27-2129A, but the ownership of the right will not change. The changed portion of right 27-2129A and right nos. 27-7412, 27-7299, and 27-12416 will be delivered through 2 interconnected wells to a combined place of use.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	27-2129A	0.6 / 120	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	27-12146	.12 / 21	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	27-7299	1.89 / 402.5	Irrigation	05/01 to 11/01	Ground Water
☒ ☐	27-7412	2.32 / 612	Irrigation	04/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 4.93 cfs and/or 1155.5 acre-feet.

2. Total amount of water proposed to be transferred or changed 4.93 cubic feet per second and/or 1155.5 acre-feet per year.

3. Point(s) of Diversion:

☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)

☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.

Label it Attachment #5. WEIGHTED CENTROID OF PROPOSED PODS IS IN ADJACENT MODEL CELL TO CURRENT PODS. ESPA ANALYSIS NOT REQUIRED.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N	5		SE	SE	21	03S	34E	Bingham	Ground Water	A0010482
N			NE	NW	28	03S	34E	Bingham	Ground Water	A0016499

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	
03S	34E	21												11	11		33.5	35	90.5
														Lt3	Lt 13		Lt 4	Lt5	
03S	34E	22										4	38						42
												Lt 4							
03S	34E	28		5.5			35	22.5	40.5	2.5		21.5							127.5
								1, 11	2, 12			3, 13							
03S	34E	29	1			27									16				44
			T41				T41								Total Acres (for irrigation use)				304

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:

Two interconnected wells to 304 acre combined place of use.

- b. Who owns the property at the point(s) of diversion? Thompson Brothers LLC

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

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

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

It will be irrigated by surface water from Smith Maxwell Ditch Co.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/12/2016

Water Right 27-7299

Owner Type **Name**
Current Owner THOMPSON BROTHERS LLC
Priority Date: 1/26/1982
Basis: Decreed
Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	05/01	11/01	1.890 CFS	402.5 AF
	Total Diversion		1.890 CFS	402.5 AF

Source and Point(s) of Diversion
GROUND WATER SWNENW Sec. 28, Twp 03S, Rge 34E, BINGHAM County

Place Of Use
IRRIGATION within BINGHAM County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S	34E	28						1.2	28.0			18.0							47.2
								L1	L2			L3							
03S	34E	28						3.3	11.0			6.1							20.4
								L11	L12			L13							
03S	34E	29	1.4			29.0									17.0				47.4

POU Total Acres: 115.0

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE 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. U42 Place of use does not include federal public lands
4. Tract 41 includes the place of use in the T03S R34E S29 NENE, SENE and NESE.

1/12/2016

Owner Type **Name**
Current Owner THOMPSON BROTHERS LLC
Priority Date: 6/20/1985
Basis: License
Status: Active

Tributary

Source and Point(s) of Diversion

Place Of Use

[illegible]

Conditions of Approval:

- 79929

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/12/2016

Water Right 27-12146

Owner Type **Name**
Current Owner THOMPSON BROTHERS LLC
Priority Date: 11/14/1960
Basis: Decreed
Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.120 CFS	21.0 AF
	Total Diversion		0.120 CFS	24.0 AF

Source and Point(s) of Diversion
GROUND WATER NENENE Sec. 28, Twp 03S, Rge 34E, BINGHAM County

Place Of Use
IRRIGATION within BINGHAM County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S	34E	28		6.0															6.0

POU Total Acres: 6.0

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. P21 This right is a split from former right 27-2120.

1/12/2016

Owner Type **Name**
Current Owner LAYNE F HAMILTON
Priority Date: 9/11/1961
Basis: Decreed
Status: Active

Tributary

Source and Point(s) of Diversion

GROUND WATER NESWSE Sec. 22, Twp 03S, Rge 34E, BINGHAM County

IRRIGATION within BINGHAM County

Right Acre Limit: 89.0

POU Total Acres: 126.7

1.	E62	USE OF THIS RIGHT WITH THE WATER OF SMITH-MAXWELL DITCH CO. SHALL NOT PROVIDE MORE THAN 0.02 CFS PER ACRE.
2.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3.	K06	THIS RIGHT IS LIMITED TO THE IRRIGATION OF 89 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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

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

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

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

B. CHANGES IN NATURE OF USE (Water Balance)

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

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

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

[illegible]

Transfer contains _____ pages and _____ attachments.

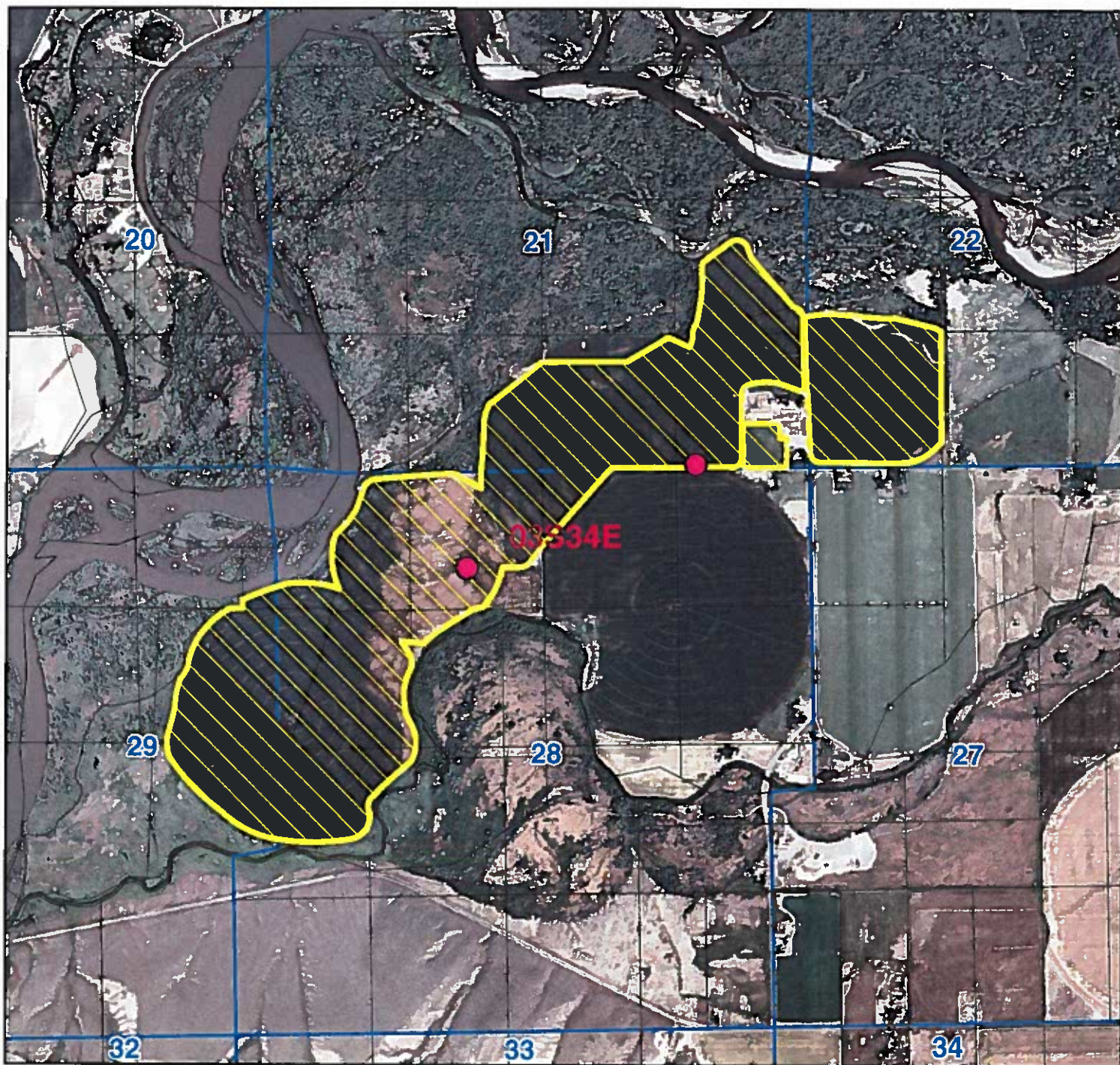
Received by MH Date 1/7/2016 Preliminary check by MH Date 1/12/2016

Fee paid \$500 Date 3/25/15 Received by SC Receipt # E040814

Add'l fee paid \$320 Date 1/7/2016 Received by JJ Receipt # E041735

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

State of Idaho
Department of Water Resources
Transfer No. 79929



Legend

-  Proposed POD
-  Proposed POU
-  Township/Range
-  Sections
-  QQ

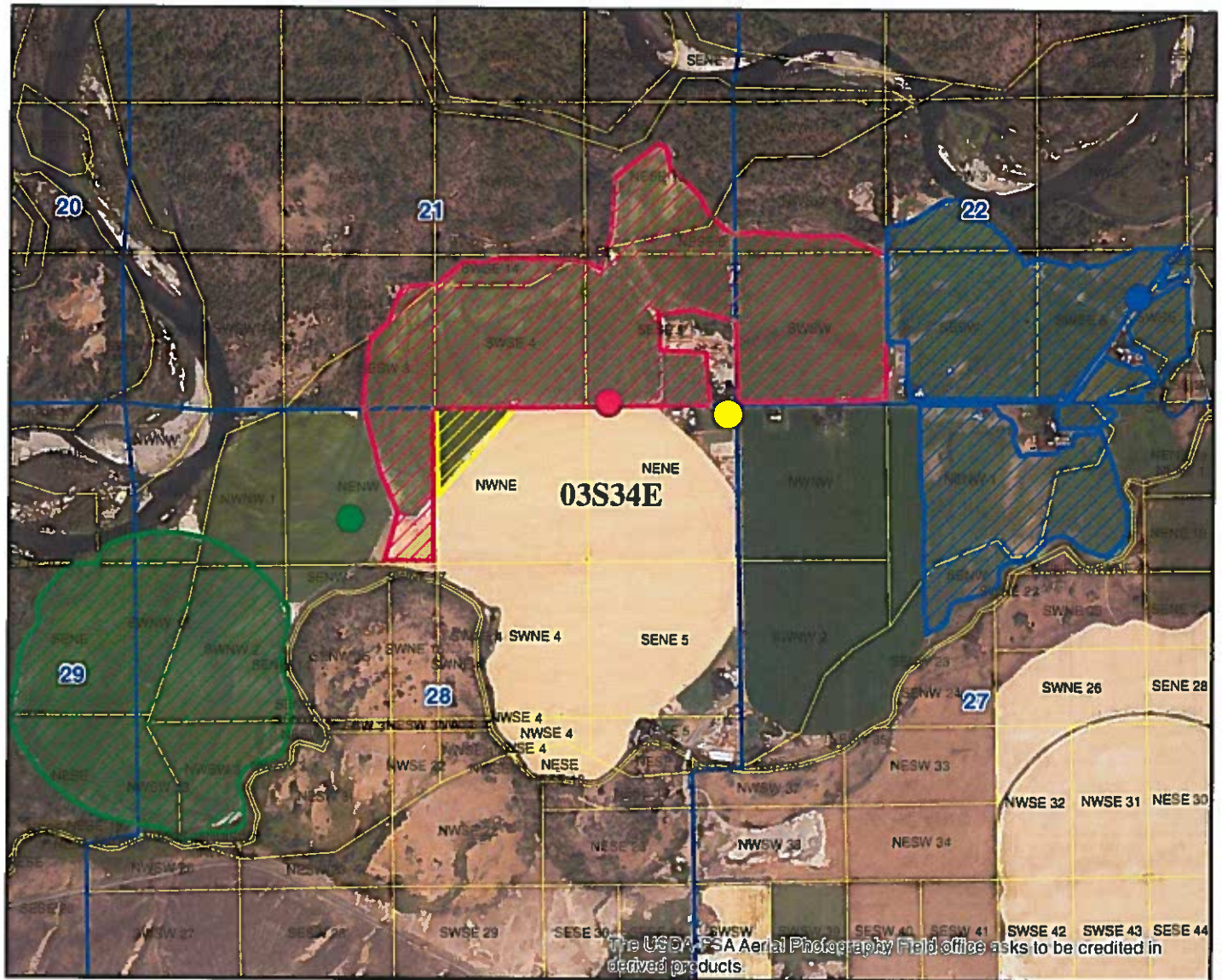
0 0.25 0.5 1 Miles



79929

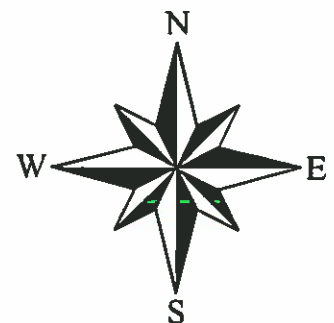
Map prepared by Michael Holliday

Current Water Use



Legend

- 27-2129A Point of Diversion
- 27-7299 Point of Diversion
- 27-7412 Point of Diversion
- 27-12146 Point of Diversion
- 27-2129A Permissible Place of Use
- 27-7299 Place of Use
- 27-7412 Place of Use
- 27-12146 Place of Use
- Township/Range
- Sections
- QQ



79929

0 0.25 0.5 1 Miles

Imagery: 2013 NAIP

Idaho Department of Water Resources

Map Prepared by Heather Bohac, March 6, 2015

ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

To the Secretary of State of Idaho
Corporations Division
700 West Jefferson Room 203
P.O. Box 83720 • Boise, ID 83720-0080

JUN -2 PM 2:50
SECRETARY OF STATE
STATE OF IDAHO



JUN -6 PM 3:07
SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is: Thompson Brothers, L.L.C.
2. The address of the initial registered office is: 493 South 1200 West, Pingree, ID 83262
(not a PO Box)
and the name of the initial registered agent at that address is: Paul Thompson
Signature of registered agent : Paul Thompson
3. The latest date certain on which the limited liability company will dissolve: 01-01-2050
4. Is management of the limited liability company vested in a manager or managers?
☒ Yes ☐ No (check appropriate box)
5. If management is vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is vested in the members, list the name(s) and address(es) of at least one initial member.

Name:

Address:

Paul Thompson

749 W. Highway 39, Blackfoot, ID 83262

6. Signature of at least one person listed in #5 above:

Paul Thompson

Secretary of State use only

IDAHO SECRETARY OF STATE

DATE 06/06/1997

0900 99659 2

CK #: 1528 CUST# 3117

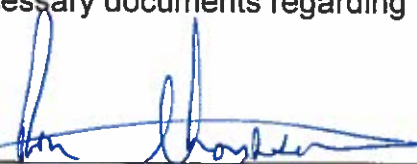
ORGAN LLC 1# 100.00= 100.00

: BW 4176

Power of Attorney

I, Paul Thompson grant Ron Thompson the authority to act on my behalf with the Department of Water Resources to execute necessary documents regarding Thompson Farms water rights.


PAUL THOMPSON


RON THOMPSON

STATE OF IDAHO)
) ss.
County of Bingham)

On this 30 day of December, 2015, before me, the undersigned, a notary public in and for said state, personally appeared Paul Thompson, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



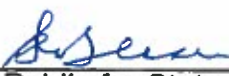

Notary Public for State of Idaho
Residing at Blackfoot, Idaho
My cmn exprs:12/04/2018

STATE OF IDAHO)
) ss.
County of Bingham)

On this 30 day of December, 2015, before me, the undersigned, a notary public in and for said state, personally appeared Ron Thompson, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for State of Idaho
Residing at Blackfoot, Idaho
My cmn exprs:12/04/2018

A Contract between Layne Hamilton and Thompson Brothers

The term Layne Hamilton means Layne Hamilton or his successors of interest. The term Thompson Brothers means Thompson Brothers or their successors of interest.

Thompson Brothers will use .6 CFS of ground water right 27-02129A belonging to Layne Hamilton. It will be used on 30 acres on the SW of the NE of the NE of Section 28 Township 35 Range 34E in Bingham County. Layne Hamilton will use the surface water shares in the Smith Maxwell Ditch Company belonging to Thompson Brothers.

Thompson Brothers will pay the ground water assessment for .6 CFS of right 27-012129A. Layne Hamilton will pay the non-capital yearly assessments on the Smith Maxwell Shares owned by Thompson Brothers.

This contract is for five years with an automatic renewal until either party wishes to terminate the contract. One year advance notice must be given upon termination of this contract. Layne Hamilton has the right to transfer the water from the Thompson property and Thompson Brothers has the right to retain use of their surface water.

This contract does not change the ownership of any right. Layne Hamilton is the owner of water right 27-02129A and will maintain ownership throughout the time period of this contract. Thompson Brothers is the owner of 200 Shares in the Smith Maxwell Ditch Company and will maintain ownership throughout the time period of this contract.

Date Jan 14 - 2015

Signature [Signature]

Date Jan 14, 2015

Signature Layne Hamilton

The original contract did not anticipate
The requirement for a transfer ~~from~~ of
~~The land~~ The water right

The original contract ~~did~~

April 2015 - clarification to be
Added to The contract which split 30
~~acres and then~~ acres ^{owned by Thompson Farms} and used 0.6 cfs
+ 120 af from water right 27-21299 owned
by Layne Hamilton. The department of water
Resources required an official transfer
to be combined with water Rights 27-7412 -
27-7299 and 27-12416 - This does not
change alter the original contract and
upon request The 0.6 cfs will be officially
Transferred back to water right 27-21299.
~~Thompson Farms~~ ^{At that time} Thompsons Farms or their
will provide the necessary paper
work required by water Resources to facilitate
The transfer



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 13, 2016

THOMPSON BROTHERS LLC
749 W HWY 39
BLACKFOOT, ID 83221

LAYNE F HAMILTON
839 W RIVERTON RD
BLACKFOOT, ID 83221

RE: Transfer No. 79929
Water Right No(s). 27-12146, 27-2129A, 27-7299, 27-7412

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 MORNING NEWS on 1/21/2016 and 1/28/2016. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Sharla Cox', written over a circular stamp.

Sharla Cox
Administrative Assistant

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, January 13, 2016 11:48 AM
To: 'Morning News (legals@am-news.com)'
Subject: LEGAL FOR YOUR PAPER
Attachments: Morning News E-Mail.doc

Contacts: Morning News

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79929

THOMPSON BROTHERS LLC, 749 W HWY 39, BLACKFOOT, ID 83221; LAYNE F HAMILTON, 839 W RIVERTON RD, BLACKFOOT, ID 83221; has filed Application No. 79929 for changes to the following water rights within BINGHAM County(s): Right No(s). 27-12146, 27-2129A, 27-7299, 27-7412; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Change the point of diversion, add a point of diversion, and change the place of use. The points of diversion are in Lot 5 (SESE) Sec 21, and in the NENW Sec 28, T3S R34E for 4.93 cfs from ground water. The place of use is within Sec 21, 22, 28, and 29, T3S R 34E for 304 acres.

For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before 2/8/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 1/21/2016 and 1/28/2016