

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 29 2015

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) MALAD FARM LLC Phone _____

Mailing address 16904 JUANITA DR NE STE 269 KENMORE, WA 98028 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 Greg Sullivan Phone 208-736-8543

Mailing address 2016 N Washington St Ste 4 Twin Falls, Id 83301 Email greg.sullivan@brockwayeng.com

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

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

Michael J. Frei
Signature of Applicant or Authorized Representative

Michael J. Frei Managing Director 10/20/2015
Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
The intent of this transfer is to add a new well as a POD for water right 15-7193.

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 ☒ ☐	15-7193	6.68/1540	Irrigation	4/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 6.68 cfs and/or 1540 acre-feet.

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

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			NE	NW	36	13S	35E	Oneida	Ground Water	
			NE	NW	36	13S	35E	Onieda	Ground Water	
			NE	SE	36	13S	35E	Onieda	Ground Water	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☒ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Two existing ground water wells, mainlines and two pivots.

- b. Who owns the property at the point(s) of diversion? Malad Farm 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: N/A

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:

No Change

- 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:

N/A

- 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
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 15-7193

Current Owner: MALAD FARM LLC

Priority Date: 12/18/2000

Origin: Water Right

Status: Active Y

Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	6.68 CFS	1540 AF
	<u>Total Diversion</u>	6.68 CFS	1540 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4	Sec. 36,	Twp 13S,	Rge 35E B.M.
ONEIDA County				
GROUND WATER	NE1/4NW1/4	Sec. 36,	Twp 13S,	Rge 35E B.M.
ONEIDA County				

Place of Use

IRRIGATION Within ONEIDA County

T13S R35E S36	NENE	40.00	T13S R35E S36	NWNE	40.00
T13S R35E S36	SWNE	40.00	T13S R35E S36	SENE	40.00
T13S R35E S36	NENW	40.00	T13S R35E S36	SENW	40.00
T13S R35E S36	NESW	40.00	T13S R35E S36	SESW	40.00
T13S R35E S36	NESE	40.00	T13S R35E S36	NWSE	40.00
T13S R35E S36	SWSE	40.00			

Total Acres: 440

Conditions of Approval:

1. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.



0 287.5 575 1,150 Feet

MALAD FARMS
TRANSFER POD MAP 15-7193
NAIP 2013 AERIAL

Legend

- Points of Diversion
- 15-7193_POU
- townshp
- Sections
- ladesc

BROCKWAY ENGINEERING, PLLC.
ALR - Date: 10/19/2015



80490



CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

2014 DEC 15 AM 10:07

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

Malad Farm, LLC

2. The complete street and mailing addresses of the initial designated office:

1423 Tyrell Ln Boise ID 83706

(Street Address)

16904 Juanita Dr Ne #269 Kenmore WA 98028

(Mailing Address, if different than street address)

3. The name and complete street address of the registered agent:

National Registered Agents, Inc.

(Name)

1423 Tyrell Lane, Boise, ID 83706

(Street Address)

4. The name and address of at least one member or manager of the limited liability company:

Name

Address

Lily C. Guse

16904 Juanita Drive NE, Ste 269, Kenmore, WA 98028

5. Mailing address for future correspondence (annual report notices):

16904 Juanita Drive NE, Ste 269, Kenmore, WA 98028

6. Future effective date of filing (optional): _____

Signature of a manager, member or authorized person.

Signature

Lily C. Guse

Typed Name:

Lily C. Guse

Signature

Typed Name:

Secretary of State use only

IDAHO SECRETARY OF STATE

12/15/2014 05:00

CK-2199 CT:276965 BH:1452915

10 100.00 = 100.00 ORGAN LLC #2

10 20.00 = 20.00 EXPEDITE C #3

W145298

COMPANY RESOLUTION of HarvestWest Management, LLC, a Delaware limited liability company registered in the State of Washington

Whereas the above named limited liability company is organized under the laws of Delaware; and is the manager of the Malad Farm, LLC

NOW THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

Gregory Richards and Mike Frei, Managing Directors

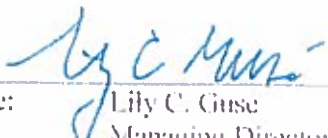
Are hereby authorized to execute any and all documents to purchase real property on behalf of the Malad Farm, LLC (an Idaho limited liability company), more specifically, that certain real property described on Exhibit "A" attached hereto and incorporated herein by reference.

Malad Farm, LLC shall be bound to and obligated upon any and all instruments and documents executed by the above referenced Managing Directors, in connection with the foregoing authority.

This Resolution may be signed in counterparts. A photocopy or facsimile of the Resolution or a party's signature hereon shall have the same force and effect as an original.

Dated and adopted this 14th day of November, 2014.

HARVESTWEST MANAGEMENT, LLC, a
Delaware limited liability company

By: 
Name: Lily C. Guse
Title: Managing Director

By: 
Name: Greg Richards
Title: Managing Director

By: _____
Name: Brent Frei
Title: Managing Director

By: 
Name: Mike Frei
Title: Managing Director



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

OCT 29 2015

Department of Water Resources
Eastern Region

October 26, 2015

James Cefalo
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: Malad Farms LLC

Dear Mr. Cefalo:

Malad Farms LLC proposes to add a third point of diversion to irrigation water right 15-7193. No other characteristics or conditions of water rights 15-7193 will be changing at this time.

The attached transfer application identifies the location of the new POD on the farm.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Cc: Mike Frei

Enc: Transfer Application, Company Resolution, Aerial Map, Brockway Engineering Check
#12956 for \$980.00.