

WATER RIGHT NO. 63-3196E

As Modified by Transfer No. 80121

In accordance with the approval of Transfer No. 80121, Water Right No. 63-3196E is now described as follows:

Right Holder: BEUS FARMS LTD PARTNERSHIP
C/O SHANE BEUS
1580 W KUNA CAVE RD
KUNA, ID 83634

Priority Date: 5/4/1960

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

03/15

to 11/15

To

Diversion Rate

1.980 cfs

1.980 cfs

Diversion Volume

446.0 af

446.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW
GROUND WATER NENE
GROUND WATER NESE

Sec 14 Twp 01N Rge 01W ADA County
Sec 15 Twp 01N Rge 01W ADA County
Sec 15 Twp 01N Rge 01W ADA County

PLACE OF USE: IRRIGATION

				NE				NW				SW				SE				Totals
Twp	Rng	Sec		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01W	15		29.0	16.0	36.5	17.6													99.1

POU Total Acres: 99.1

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. A single new point of diversion is authorized in either NENE Sec 15, T01N, R01W or NWNW Sec 14, T01N, R01W.

WATER RIGHT NO. 63-3196E
As Modified by Transfer No. 80121

CONDITIONS OF APPROVAL

5. Diversion of water from the additional well authorized under Transfer 80121 located in either NENE Sec 15, T01N, R01W or NWNW Sec 14, T01N, R01W shall not exceed a maximum diversion rate of 0.67 cfs.
6. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than February 6, 2009.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80121**

This is to certify that: **BEUS FARMS LTD PARTNERSHIP**
C/O SHANE BEUS
1580 W KUNA CAVE RD
KUNA, ID 83634

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-3196E	WR/DECREED	5/4/1960	1.980 cfs	446.0 af	N/A	99.1	GROUND WATER

Purpose of Transfer (Changes Proposed)

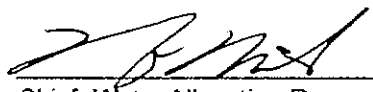
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-3196E	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-3196E	63-3196E	1.980 cfs	446.0 af	N/A	99.1	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.980 cfs	446.0 af	N/A	99.1		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 29th day of June, 2015.


 for Chief, Water Allocation Bureau

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* AMENDED *

42-222 POD - 09/14

JUN 11 2015

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the *Application for Transfer Instructions* for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. APPLICANT(S) BEUS FARMS LTD PARTNERSHIP Phone 208-922-59682. MAILING ADDRESS 1580 W KUNA CAVE RD City KUNDAState ID Zip 83634 Email SHANEBEUS55@GMAIL.COM

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the *fee schedule*.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 63-3196E

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 0.67 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
YES			NE	NE	15	01N	01W	ADA	GROUND	
YES			NW	NW	14	01N	01W	ADA	GROUND	
NO			NE	SE	15	01N	01W	ADA	GROUND	

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JUN 11 2015

6. 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:

Drill new well, 30 horse power variable speed pump under ground pipe deliver water to cattle.

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

Easement with John Toledo

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. MAP – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. The Map Tool, available at maps.idwr.idaho.gov/Transfer/ApplicationLayouts/ provides a satisfactory template for creating the required map.

8. SIGNATURE – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Shane Bens Shane Bens 11 June 2015
Signature of applicant or authorized agent Print name and title if applicable Date

Signature of applicant or authorized agent Print name and title if applicable Date

9. FEE - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes 6 pages of attachments. Received by Patrick Kelly Date 6/11/2015
Fee paid \$500.- Date 5/12/2015 Received by S.O. Receipt # C100443
Preliminary review by PK Date 6-10-2015 Active in the Water Supply Bank? Yes ☐ No ☒
W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

Page _____ of _____

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

Current Water Right No.: 63-3196E

Current Owner: BEUS FARMS LTD PARTNERSHIP
Priority Date: 5/4/1960
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	1.98 CFS	446 AF
	<u>Total Diversion</u>	1.98 CFS	446 AF

Location of Point(s) of Diversion

GROUND WATER
NE1/4SE1/4 Sec. 15, Twp 01N, Rge 01W B.M.
ADA County

Place of Use

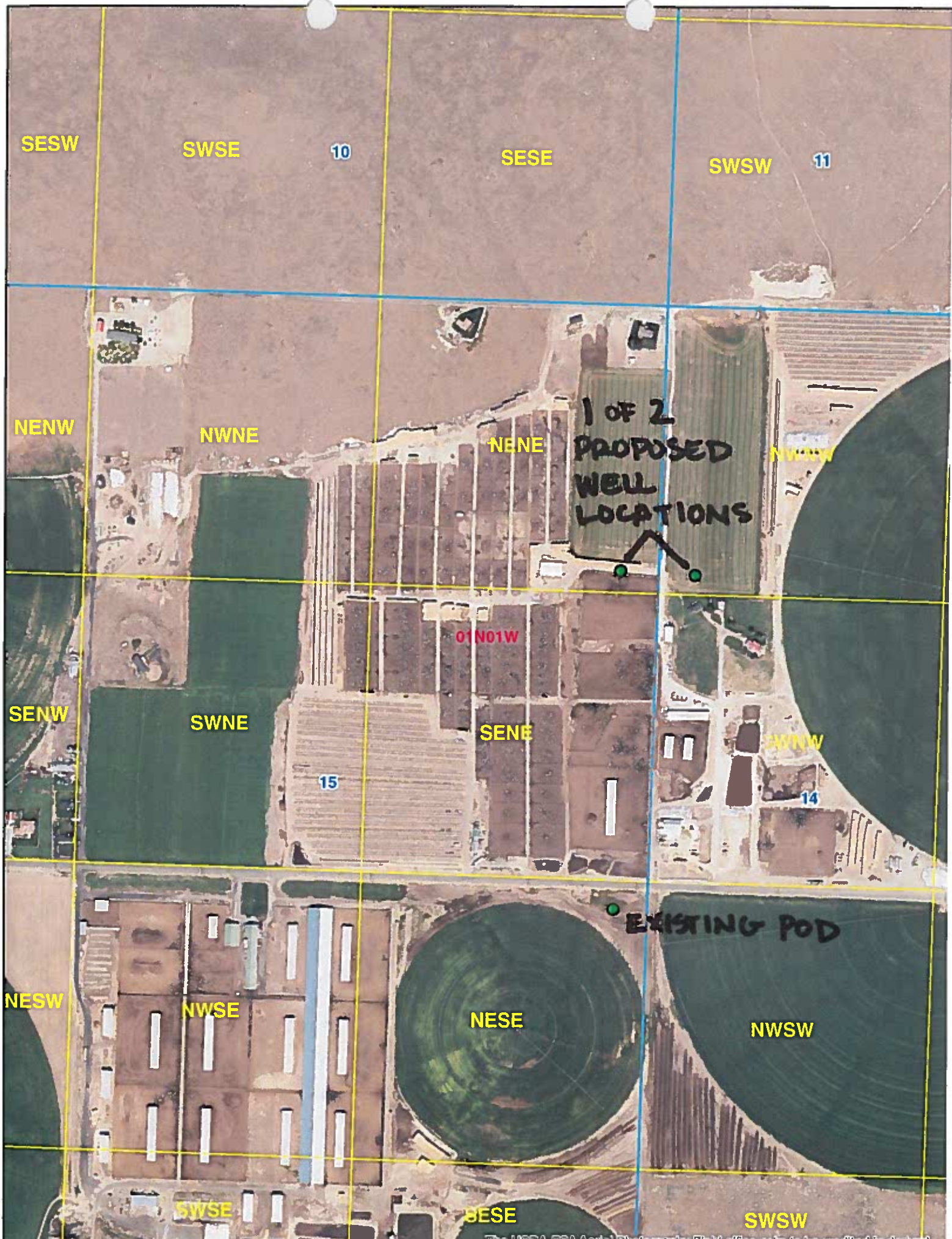
IRRIGATION Within ADA County

T01N R01W S15	NENE	29.00	T01N R01W S15	NWNE	16.00
T01N R01W S15	SWNE	36.50	T01N R01W S15	SENE	17.60
Total Acres: 99.1					

Conditions of Approval:

1. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 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.
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. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. WD9 Approval of Transfer 68524 is not a confirmation of the validity of this water right and does not preclude the opportunity for review in the ongoing Snake River Basin Adjudication.

Decreed Date: 2/6/2009



SESW

SWSE

10

SESE

SWSW

11

NENW

NWNE

NENE

NWNW

1 of 2
PROPOSED
WELL
LOCATIONS

01 N01W

SESW

SWNE

SENE

NWNW

15

14

EXISTING POD

NESW

NWSE

NESE

NWSW

SWSE

SESE

SWSW

Agricultural Investments
10801 Mastin Blvd., Suite 120
Overland Park, KS 66210

MetLife

Idaho Department of Water Resources
Southern Regional Office
650 Addison Ave W. Suite 500
Twin Falls, ID 83301-5858

Jake Espenmiller
Regional Director
Central Regional Office

(913) 661-2233
(913) 661-2267 FAX
(515) 210-8696 CELL
jespenmiller@metlife.com
www.metlife.com/ag

Re Metropolitan Life Insurance Company ("MetLife") Loan 191301 – Beus Farms, LP
(the "Borrower") Ada County, Idaho

Application for Transfer of Water Right No. 63-3196E

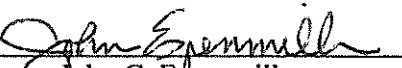
Dear Sir or Madam:

MetLife holds a security interest in water right number 63-3196E (the "Water Right") and has been asked to consent to permit the Changing of the point of diversion from an existing Beus Farms, LP well.

This letter serves as written acknowledgment and consent to the Applications for Transfer of Water Rights as fully described in the unsigned State of Idaho Department of Water Resources Application for Transfer of Water Right Transfer ("Applications") (as attached).

Consent is subject to receipt and acceptance by MetLife legal counsel of the signed Applications

**METROPOLITAN LIFE INSURANCE
COMPANY**

By: 
Name: John C. Espenmiller
Its: Director

May 8, 2015

Encl.
JCE/kpk

STATE OF Kansas)
) ss.
COUNTY OF Johnson

Before me, a Notary Public in and for said County and State, personally appeared John C. Espenmiller, 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 8th day of May, 2015.

Regina C. Jacobs
(Notary Public)

My Commission Expires: 11/4/17



Copies to: Clear Creek Land and Management



Rabo AgriFinance, Inc.
1015 St. Cloud Drive STE 200
Loveland, CO 80538
970-613-1870

May 4, 2015

To Whom It May Concern:

Rabo AgriFinance, Inc., agrees with the proposed water right changes as detailed below.

Proposed Changes:

Beus Farms Limited Partnership (current owner of water right 63-3196E) is proposing an additional point of diversion of the ground water for the beneficial use of irrigation. Beus Farms Limited Partnership currently has one well located near the road and it is not supplying enough water pressure to irrigate at the North end of the property. With the addition of the second well, Beus Farms Limited Partnership will be able to irrigate the Northern end of the property located at 1580 West Kuna Cave Road.

The current well provides 1.98 cfs and it will be reduced to 1.312 dvs while the new well will provide .668 cfs near the Northern end of the property, the place of use is being modified to enable the point of diversion request.

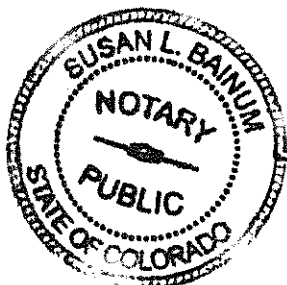
Sincerely,

Brent Lahman
Sr. Relationship Manager

State of Colorado)
) SS
County of Larimer)

On this day, May 4, 2015, before me, Susan Bainum, NOTARY PUBLIC, the undersigned officer, personally appeared Brent Lahman, who acknowledged himself to be the Vice President of Rabo AgriFinance, Inc., a corporation, and that he as such Vice President being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as Vice President.

In witness whereof, I hereunto set my hand and official seal.



Notary Public
My commission expires: 8/17/15



Rabo AgriFinance, Inc.
1015 St. Cloud Drive STE 200
Loveland, CO 80538
970-613-1870

May 4, 2015

To Whom It May Concern:

Rabo AgriFinance, Inc., agrees with the proposed water right changes as detailed below.

Proposed Changes:

Beus Farms Limited Partnership (current owner of water right 63-3196E) is proposing an additional point of diversion of the ground water for the beneficial use of irrigation. Beus Farms Limited Partnership currently has one well located near the road and it is not supplying enough water pressure to irrigate at the North end of the property. With the addition of the second well, Beus Farms Limited Partnership will be able to irrigate the Northern end of the property located at 1580 West Kuna Cave Road.

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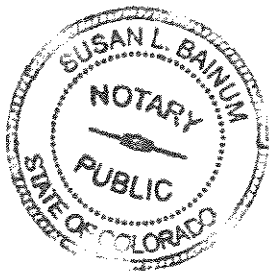
Sincerely,


Brent Lahman
Sr. Relationship Manager

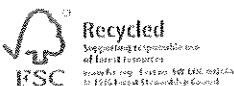
State of Colorado)
) SS
County of Larimer)

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In witness whereof, I hereunto set my hand and official seal.




Notary Public
My commission expires: 8/17/15



Part of the Rabobank Group

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 80121

MAY 13 2015

WATER RESOURCES
WESTERN REGIONMINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Beus Farms Limited Partnership

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Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

MAY 12 2015

Yes N/A * Means the item is always required and must be included with the application.DEPARTMENT OF
WATER RESOURCES

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☒ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☐ #10 Other. Please describe: _____

* Superseded by Amended App. Received 6-11-2015

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MAY 13 2015

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED

MAY 12 2015

DEPARTMENT OF
WATER RESOURCESName of Applicant(s) Beus Farms Limited Partnership Phone 208-922-5171Mailing address 1580 West Kuna Cave Road, Kuna, Idaho 83634 Email spreisler69@gmail.com

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

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

☒ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

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

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

Signature of Applicant or Authorized Representative

Shane Beus / Partner

04/29/2015

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Elizabeth A. Beus / PARTNER

04/29/2015

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**.

We intend to drill another well in Section 14 (SW,NW) of Township 01N Range 01W for the purpose of irrigation, current location of the well and acres being farmed doesn't provide enough pressure to get the water to the top of the furthest most acreage. The new well will supplement the current well and the total amount diverted will not change.

* Superseded by Amended App Received 6-11-2015

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 ☐ ☒	63-3196E	1.312	Irrigation	03/15 to 11/15	Ground
☐ ☒	63-3196E	.668	Irrigation	03/15 to 11/15	Ground
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.98 cfs and/or 446 acre-feet.

2. Total amount of water proposed to be transferred or changed .668 cubic feet per second and/or 33 acre-feet per year.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
No			NE	SE	15	01N	01W	Ada	Ground	Well
Yes			SW	NW	14	01N	01W	Ada	Ground	New Well
			NW	NW						
YES			NE	NE	15	01N	01W	ADA	GROUND	NEW WELL

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	
01N	01W	15	25				10				31.1								66.1
01N	01W	14						23			10								33
Total Acres (for irrigation use)																			99.1

** Superseded by Amended App Received 6-11-2015*

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:

Currently there is one well in the system delivering water from a single point of diversion, it is insufficient to get the water to the farthest end, prompting the need to drill an additional well to supplement the current well. only one well to be drilled in 1 of 2 QQ described.

- b. Who owns the property at the point(s) of diversion? Beus Farms Limited Partnership

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: RaboAgrifinance, Mellife.

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:

Place of use is changing, the effect will be minimal, as the purpose of the change of diversion is to get better pressure at the northend of the land being irrigated and provide a back up well for the existing well.

- 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:

There is an additional water right used in conjunction with this water right for the same purpose, it is not changing. the water right number is 63-3601B

- 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:

** Superseded by Amended App Received 6-11-2015*

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 **Part 2A** report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

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. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 63-3196E

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

* Superseded by Amended App Received 6-11-2015

* superseded by Amended App Received 6-11-2015

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. 63-3196E

Point of Diversion/Place of Use Supplement

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

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or well/diversion tag #
☐ Yes	01N	01W	15			NE	SE	Ada	Ground	Well
☒ Yes	01N	01W	14			SW	NW	Ada	Ground	New Well
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01W	15	25				10				31.1								66.1
01N	01W	14						23			10								33

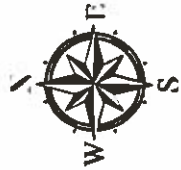
**If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application.

Page 1

**superseded by Amended App Received 6-11-2015*

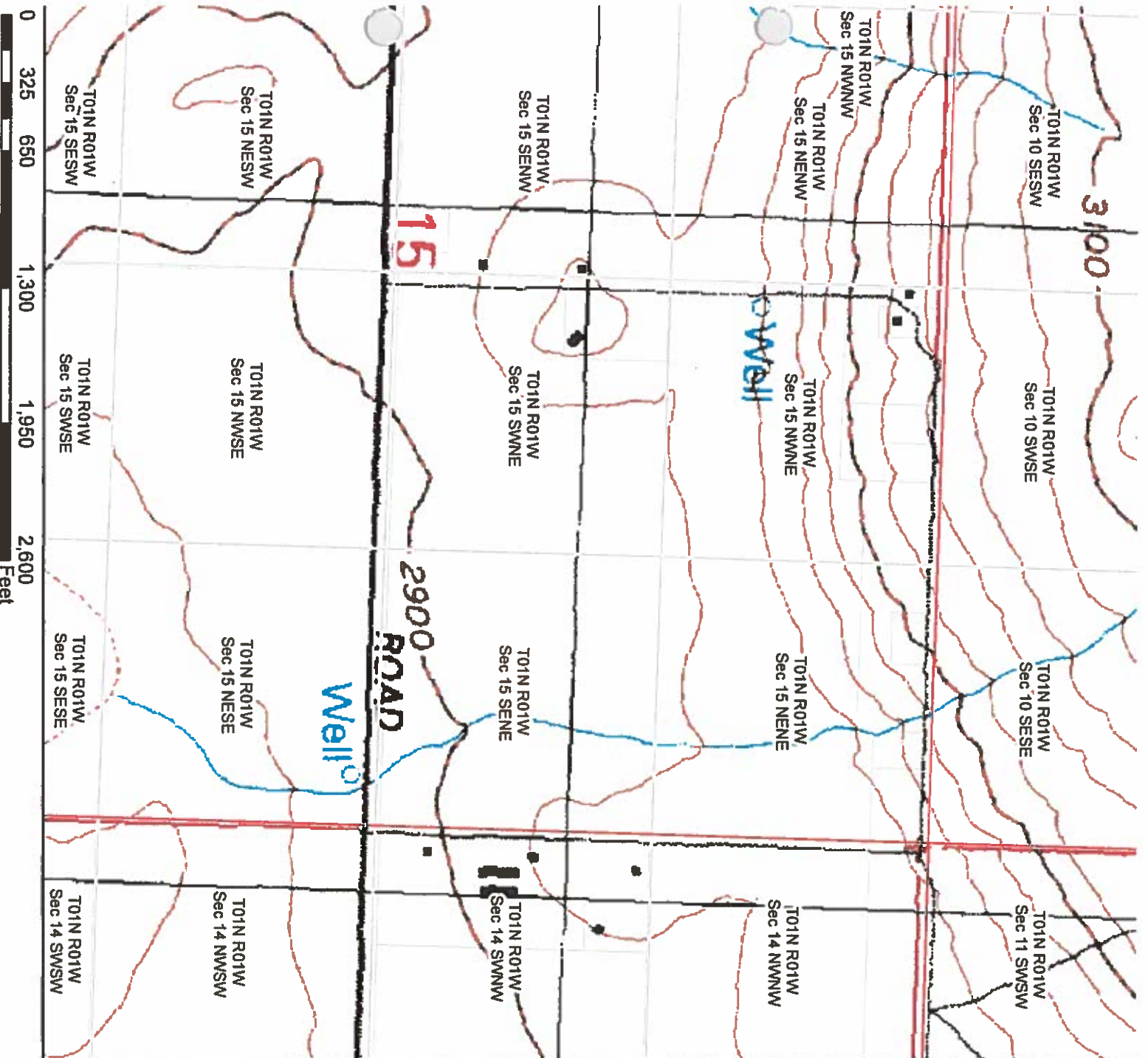
Legend

- ESPA
- GCDB Township/Range
- GCDB Section
- GCDB Quarter-Quarter
- Counties



Legend

- ESPA
- GCDB Township/Range
- GCDB Section
- GCDB Quarter-Quarter
- Counties





63-3196E

63-3196C

63-3601C

63-3601B

63-3196E

63-3196C

63-3601C

63-3601B



Drying Out
Proposed
Transfer
Point of
Diversion

1,579,228.76 SQFT

36.25 ACRES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2B

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.

Right Number: 63-3196E

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use)	99.1
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Superseded by Amended App Received 6-11-2015



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 29, 2015

BEUS FARMS LTD PARTNERSHIP
C/O SHANE BEUS
1580 W KUNA CAVE RD
KUNA ID 83634

Re: Transfer No. 80121
Water Right No. 63-3196E

Transfer Approval Notice

Dear Water Right Holder <and other Interested Persons>:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)334-2190.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rachel Neely".

Nick Miller

Western Region Manager

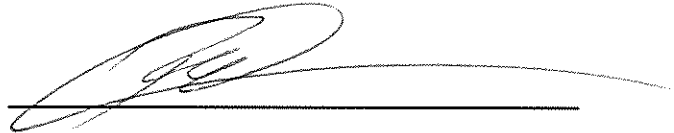
Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No. 80121
Water Right No. 63-3196E**

**BEUS FARMS LTD PARTNERSHIP
C/O SHANE BEUS
1580 W KUNA CAVE RD
KUNA ID 83634**

A handwritten signature in black ink, appearing to read 'Rachel Neely', is written over a horizontal line.

**Rachel Neely
Administrative Assistant I**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Transfer No. 80121
FROM: Patrick Kelly
DATE: June 11, 2015
RE: Evaluation of Application

The transfer proposes to add a new well POD to supplement water from an existing well. The current well does not provide enough pressure to irrigate all of the Place of Use. The total amount of water appropriated under 63-3196E will not change.

The site is 4.6 miles south west of Kuna on the NW corner of S Ten Mile & Kuna Cave Rd.

Deviations from Transfer Policy Standards

The application was received with a written request to expedite the application. Well drillers have contacted requesting the status of the transfer so they may proceed with drilling the proposed well. The original application had POU description errors so a meeting was scheduled with Mr. Beus. During this meeting, it was found that the actual purpose of the transfer was to change nature of use from irrigation to stockwater. A transfer of this nature would require an announcement period and the opportunity to protest, taking longer for an approval. In the interest of time, Mr. Beus submitted an **amended** application for transfer to add a POD. Mr. Beus said that he would follow up with another transfer application to handle the change in nature of use later in the season.

Summary of Information Submitted

Authority to File:

Application for Transfer of Water Right was filed May 13, 2015 by Beus Farms Limited Partnership. ID Sec of State office records show Shane & Elizabeth Beus as registered agents for the company. Taxlot data shows ownership in the name of Beus Farms Limited Partnership.

Water Right Validity:

Right presumed to be valid because the partial decree was issued Feb 2009. Decree date within five year period so forfeiture not a concern.

Injury to Other Water Rights:

Proposed POD is within the South Ada County Ground Water Area of Concern. However, because the existing well appropriates water in this area, this is not a consideration for denial. New well is proposed approximately 0.25 miles away from existing well and no enlargement is proposed. Well drillers report was not available, however water bearing zone for new well matching existing well will prevent injury to users in potentially different aquifers.

Enlargement of Use:

63-3196E authorizes the diversion of 1.98 cfs, 446 af of water on 99.1 acres of land. Amended transfer application proposes to add a well for a portion of the diversion rate (0.67 cfs) from water right 63-3196E to the new well. A condition will be added to limit the new diversion to 0.67 cfs based on rate requested and fee paid. Enlargement is not likely, because the total use from this system will not exceed the historical use.

Local Public Interest:

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

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Additional Information/Analysis and Discussion

The amended transfer identifies two new well locations which represent potential sites for only one well. The final location will be determined by the driller and the completion of a successful well.

The applicant has provided all required information. There is no additional IDWR analysis needed from other IDWR programs and the application will not be parallel processed.

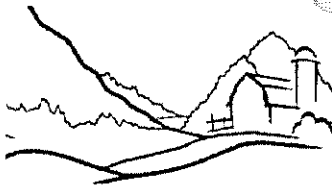
Because this is only adding a well to the system, and the transfer does not enlarge use by transferring a portion of diversion from the existing well, the "short form" was completed and will not be advertised to the public. Comment from any potentially interested parties will not be requested by the Department.

Decree was issued on February 6, 2009 following SRBA recommendation. Results were migrated prior to transfer processing.

Summary

Applicant describes a new supplemental well will provide water to land difficult to reach by the existing well due to lack of pressure in the system. Proposed diversion rates are within the limits of 63-3196E.

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.



BEUS FARMS LIMITED PARTNERSHIP
1580 W KUNA CAVE ROAD
KUNA, IDAHO 83634

MAY 22, 2015

IDAHO WATER RESOURCE BOARD
2735 AIRPORT WAY
BOISE, IDAHO 83705

RECEIVED

MAY 22 2015

WATER RESOURCES
WESTERN REGION

RE: WATER RIGHT TRANSFER – 63-3196E – POINT OF DIVERSION

To whom it may concern:

Beus Farms Limited Partnership recently submitted a request to transfer the point of diversion on water right 63-3196E, as detailed in the request we need to divert some of this water to a new location, which would require drilling a new well in one of two locations.

This is an urgent request, our water system is integrated and we need to bring more pressure toward the middle of the system to help support the flow of water at the upper part of the system. We have acreage that will not be able to produce and sustain crops at the desired level if we don't get the new well drilled in June.

Our plan was to start drilling the well in the first part of June, our well driller Earl Skinner will be applying for the permit soon and we need expedite this transfer.

We are formally requesting the application to transfer a water right / additional point of diversion be expedited, we have crops and livestock that rely on this water, thank you for your consideration.

Signature: 
Shane Beus, Partner



SB/ssp